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Commission on Crime Prevention and Criminal Justice

Report on the sixteenth session[*]
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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation by facilitating the exchange of views and experiences, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recalling its resolution 56/201 of 21 December 2001, on the triennial policy review of operational activities for development of the United Nations system, and Economic and Social Council resolution 2003/3 of 11 July 2003, on the progress in the implementation of Assembly resolution 56/201, in which the Council recommended that all organizations of the United Nations development system consider lessons learned and their dissemination as a specific required component of their activities, emphasized the importance of evaluation of operational activities of the United Nations system in order to enhance their effectiveness and impact, and called upon the Secretary-General to integrate into future reports a stronger focus on lessons learned, results and outcome,

Recalling also its resolution 57/270 B of 23 June 2003, in which it emphasized that the United Nations system had an important responsibility to assist Governments to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits,

Recalling further its resolution 60/177 of 16 December 2005, in which it endorsed the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[1] adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and approved by the Commission on Crime Prevention and Criminal Justice at its fourteenth session and subsequently by the Economic and Social Council in its resolution 2005/15 of 22 July 2005,

Recalling further Economic and Social Council resolution 2006/26, in which the Council requested the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts to discuss the Eleventh Congress and previous congresses in order to accumulate and consider lessons learned from prior congresses with a view to developing a methodology for capturing lessons learned for future congresses, and to submit a report of its work to the Commission on Crime Prevention and Criminal Justice at its sixteenth session for its consideration, and welcomed the offer of the Government of Thailand to act as host to the intergovernmental group of experts,

Recalling further its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders,

Considering that, pursuant to its resolutions 415 (V) of 1 December 1950 and 46/152 of 18 December 1991, the Twelfth United Nations Congress on Crime Prevention and Criminal Justice is to be held in 2010,

1. *Takes note* of the report of the meeting of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, held in Bangkok from 15 to 18 August 2006, and endorses the conclusions and recommendations of the Intergovernmental Group of Experts;[2]

2. *Reiterates its invitation* to Member States to implement the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice[3] and the recommendations adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in formulating legislation and policy directives, where appropriate;

3. *Encourages* Member States to consider utilizing the reporting checklist developed by the Government of Thailand on implementation of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, as a useful self-assessment tool in their reporting on the follow-up to the Eleventh Congress;

4. *Requests* the Secretary-General to facilitate the organization of regional preparatory meetings, including meetings of the least developed countries, for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice;

5. *Also requests* the Secretary-General to prepare, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, a discussion guide for the regional preparatory meetings for the Twelfth Congress, for consideration and approval by the Commission on Crime Prevention

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[1] Resolution 60/177, annex.

[2] E/CN.15/2007/6, paras. 35-47.

[3] Resolution 60/177, annex.

and Criminal Justice, and invites Member States to be actively involved in that process;

6. *Accepts with gratitude* the offer of the Government of [...] to act as host to the Twelfth Congress, and requests the Secretary-General to initiate consultations with the Government and to report on them to the Commission on Crime Prevention and Criminal Justice at its seventeenth session;

7. *Decides* that the duration of the Twelfth Congress should not exceed eight days, including pre-Congress consultations;

8. *Invites* Member States to be represented at the Twelfth Congress at the highest possible level, for example, by Heads of State or Government, government ministers or attorneys-general, to make statements on the theme and topics of the Twelfth Congress and to participate in interactive round tables;

9. *Encourages* the relevant United Nations programmes, specialized agencies of the United Nations system and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the United Nations Office on Drugs and Crime in the preparations for the Twelfth Congress;

10. *Reiterates its request* to the Secretary-General to provide the United Nations Office on Drugs and Crime with the necessary resources, within the overall appropriations of the programme budget for the biennium 2008-2009, for the preparations for the Twelfth Congress and to ensure that adequate resources are provided in the programme budget for the biennium 2010-2011 to support the holding of the Twelfth Congress;

11. *Requests* the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Twelfth Congress and in the Congress itself, in accordance with past practice;

12. *Requests* the Commission on Crime Prevention and Criminal Justice, at its seventeenth session, to finalize the programme for the Twelfth Congress and to make its final recommendations on the theme, the organization of round tables and workshops to be held by panels of experts, through the Economic and Social Council, to the General Assembly;

13. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon to the General Assembly, through the Commission on Crime Prevention and Criminal Justice at its seventeenth session.

Draft resolution II

Technical assistance for implementing the international conventions and protocols related to terrorism

The General Assembly,

Recalling all General Assembly and Security Council resolutions related to technical assistance in countering terrorism,

Stressing the essential need to strengthen international, regional and subregional cooperation to effectively prevent and suppress terrorism in all its forms and manifestations, committed by whomever, whenever and for whatever purposes, in particular by enhancing the national capacity of Member States through the provision of technical assistance,

Reaffirming all aspects of the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in its resolution 60/288 on 8 September 2006,

Acknowledging that, in the Strategy, Member States resolved to implement all relevant General Assembly and Security Council resolutions related to terrorism,

Stressing the importance of the institutionalization of the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence of the counter-terrorism efforts of the United Nations system, with the aim of providing technical assistance to Member States,

Mindful that, in the Strategy, Member States encouraged the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions,

Bearing in mind that, in the Strategy, Member States encouraged the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism,

Bearing in mind also that in the Strategy, Member States encouraged relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres and encouraged, where consistent with its existing mandate, the United Nations Office on Drugs and Crime, in cooperation with the Counter-Terrorism Committee and its Executive Directorate, to facilitate the provision of cooperation and assistance to that end,

Recalling its resolution 61/181 of 20 December 2006, in which it invited all States to increase their support to the operational activities of the United Nations Crime Prevention and Criminal Justice Programme through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities,

Recalling that the Security Council, in its resolution 1535 (2004) of 26 March 2004, recognized that visits by the Counter-Terrorism Committee to States, with the consent of the States concerned, to monitor the implementation of Security Council resolution 1373 (2001) of 28 September 2001 should be conducted, when appropriate, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, including the United Nations Office on Drugs and Crime, in particular with its Terrorism Prevention Branch, taking special care of the assistance that might be available to address States' needs,

Appreciating the efforts recently undertaken by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to maximize the efficiency of its technical assistance by providing it in the official languages of the United Nations, *Noting with appreciation* initiatives to facilitate the implementation of the Strategy, such as the Symposium on Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy, held in Vienna on 17 and 18 May 2007 and organized by the Government of Austria, in cooperation with the Executive Office of the Secretary-General and the United Nations Office on Drugs and Crime,

1. *Commends* the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, for providing, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to continue its efforts in that regard;

2. *Urges* Member States that have not yet done so to consider becoming parties without delay to the existing international conventions and protocols related to terrorism, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide legislative assistance to Member States, upon request, and to facilitate the implementation of those instruments;

3. *Urges* Member States to strengthen international cooperation, to the greatest extent possible, in order to prevent and suppress terrorism, including, when necessary, by entering into bilateral treaties on extradition and mutual legal assistance, within the framework of the international conventions and protocols related to terrorism and relevant United Nations resolutions, and in accordance with international law, including the Charter of the United Nations, and to ensure adequate training of all relevant personnel in executing international cooperation, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide assistance to Member States, upon request, to that end;

4. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to intensify its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation in preventing and suppressing terrorism by facilitating the implementation of the international conventions and protocols related to terrorism, in particular by training criminal justice officials on the implementation of those international instruments, such as through specialized training sessions and specialized technical tools and publications, in close coordination with the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force;

5. *Recognizes* the importance of the development and maintenance of fair and effective criminal justice systems, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international law as a fundamental basis of any strategy to counter terrorism, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

6. *Requests* the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and its Executive Directorate, to continue to work with international organizations and relevant entities of the United Nations system, as well as with regional and subregional organizations, in the delivery of technical assistance, whenever appropriate and within its mandate, specifically, to

enhance legal cooperation, good practices and legal training in the area of counter-terrorism;

7. *Expresses* its appreciation to all Member States that have supported the technical assistance activities of the United Nations Office on Drugs and Crime, including through financial contributions, and invites all Member States to consider making additional voluntary financial contributions, as well as providing in-kind support, especially in view of the need for the enhanced and effective delivery of technical assistance to assist Member States with the implementation of relevant provisions of the United Nations Global Counter-Terrorism Strategy;[4]

8. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with sufficient resources for its activities, including in the area of counter-terrorism, within its mandate, for assisting Member States in the implementation of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime;

9. *Requests* the Executive Director to report on expenditure for terrorism prevention activities in the context of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime, at the reconvened eighteenth session of the Commission on Crime Prevention and Criminal Justice;

10. *Requests* the Secretary-General to submit to it at its sixty-third session a written report on the implementation of the present resolution.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I

Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime

The Economic and Social Council,

Recalling General Assembly resolution 59/275 of 23 December 2004 on programme planning,

Recalling Commission on Narcotic Drugs resolution 48/14, in which the Commission urged the United Nations Office on Drugs and Crime to continue to develop an overarching strategy, in consultation with Member States, for consideration by the Commission, and also urged the Office to ensure that the strategy, as approved by Member States, through the strategic framework, guided the formulation of clearly defined objectives, improved benchmarks and performance indicators that would measure both qualitatively and quantitatively the impact of the work of the Office in full compliance with the relevant resolutions of the General Assembly on result-based budgeting,

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[4] Resolution 60/288.

Taking into consideration the deliberations of the Commission on Narcotic Drugs at its forty-ninth session[5] and the Commission on Crime Prevention and Criminal Justice at its fifteenth session[6] concerning progress made on the development of the overarching strategy of the United Nations Office on Drugs and Crime,

Expressing appreciation for the extensive consultations held by Member States, including within the framework of the open-ended informal Group of Friends of the Chairmen of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, to consider the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,

Taking into consideration draft resolution IV, entitled "Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime", recommended by the Commission on Narcotic Drugs at its fiftieth session for adoption by the Economic and Social Council,[7]

Acknowledging that the United Nations Office on Drugs and Crime undertook extensive consultations with other United Nations bodies and relevant civil society entities and among its own staff during the preparation of the strategy,

1. *Approves* the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, contained in the annex to the present resolution;

2. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to incorporate the strategy for the period 2008-2011 into the strategic framework and to present the latter to the relevant intergovernmental bodies, for their consideration and approval;

3. *Stresses* that all action aimed at implementing the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, especially action involving the participation of relevant civil society entities, shall be undertaken in full consultation with and at the request of the Member States concerned;

4. *Requests* the Executive Director to prepare the consolidated budget for the biennium 2008-2009, as well as for the biennium 2010-2011, for the United Nations Office on Drugs and Crime, based, inter alia, on the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime;

5. *Urges* Member States and other partners to provide sufficient, stable and predictable funding to the United Nations Crime Prevention and Criminal Justice Fund;

6. *Recommends* that a sufficient share of the regular budget of the United Nations be allocated to the United Nations Office on Drugs and Crime to enable it to fulfil its mandates;

7. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to submit to the Commission on Crime Prevention and Criminal Justice at its reconvened sixteenth session a report identifying the medium-term strategy

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[5] *Official Records of the Economic and Social Council, 2006, Supplement No. 8* (E/2006/28), chap. IX.

[6] Ibid., *Supplement No. 10* and corrigendum (E/2006/30 and Corr.1), chap. VIII.

[7] E/2007/28, para.1.

activities projected for the period 2008-2009 and the estimated cost to implement them;

8. *Also requests* the Executive Director to report, through the programme performance report, to the Commission on Crime Prevention and Criminal Justice on progress made in the implementation of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime;

9. *Requests* the United Nations Office on Drugs and Crime to continue to improve its evaluation mechanisms and project cycle management.

Annex

Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime

A. Strategy for the period 2008-2011

1. The mission of the United Nations Office on Drugs and Crime (UNODC) is to contribute to the achievement of security and justice for all by making the world safer from crime, drugs and terrorism.

2. The present strategy translates this vision into a platform for action. It is based on the existing mandates of UNODC and links them to results and does not represent a modification of these mandates. The strategy grew out of extensive consultations with all the stakeholders of the Office.

3. It is built on five premises:

(a) Crime, drugs and terrorism are universal challenges. Effective responses to these threats include national, regional and international responses, based on the principle of shared responsibility;

(b) The United Nations helps define these international responses; becomes custodian of the relevant international legal instruments when adopted; facilitates international cooperation; keeps the world informed about how the problem in question is evolving; and assists Member States, when requested, in building domestic capacity and in translating the multilateral standards into national practice;

(c) An important part of the established mandates of UNODC is to facilitate the ratification and implementation of the relevant international conventions on crime, drugs and terrorism;

(d) UNODC has a comparative advantage to contribute, in compliance with its mandates, to this multilateral response, in particular, in offering:

(i) Normative services: facilitating the effective implementation of existing international legal instruments and their transformation into global norms and, where appropriate, facilitating negotiation of international legal instruments;

(ii) Research and analysis;

(iii) Technical assistance: assisting Member States, upon request, in signing and ratifying relevant international legal instruments and facilitating implementation of these instruments; and providing Member States, upon request, with legislative assistance and facilitating national capacity-building, inter alia, in the area of multilateral standards and norms;

(e) These services must be consistent with, and indeed contribute to, the wider efforts of the United Nations towards peace, security and development.

4. The strategy responds to the following needs, expressed by the many different stakeholders of UNODC:

(a) **The need for more stable, predictable and sufficient funding**. Currently 12 per cent (16.1 million United States dollars) of the UNODC annual budget of US$ 135.9 million comes from the regular budget of the United Nations. The remaining 88 per cent comes from voluntary contributions of Member States to two separate trust funds. Most of these contributions are earmarked. Although the increase in earmarked contributions represents a vote of confidence in UNODC by Member States, it creates an unstable and unpredictable funding situation, making it difficult to plan even one year ahead. UNODC must grow to respond to the greater demand for its services. The resources provided to UNODC should be commensurate with the mandates and the tasks entrusted to it;

(b) **Given the wide array of mandates, the need to operationalize results within the established mandates of UNODC and in conformity with the Financial Rules and Regulations of the United Nations and the Regulations and Rules Governing Programme Planning**;

(c) **The need to find the right mix of normative, analytical and operational functions within the mandates of the UNODC programmes**. While it is clear that the Office must do all three, the specific mix will vary according to time and place, and to the particular issue being addressed. As custodian of the relevant international treaties and with its accumulated in-house expertise, UNODC has a comparative advantage in helping Member States translate international legal commitments into operational standards and norms;

(d) **The need to improve horizontal integration**. The interrelationship between drugs, crime and terrorism should be reflected, where appropriate and in accordance with established mandates of UNODC, in the work of UNODC in the provision of technical assistance;

(e) **The need to balance expertise between headquarters and the field**. Expertise and presence in the field should be increased, with due regard to project activity, through, among others, various arrangements in partnership with other United Nations entities, while maintaining optimal staffing levels at headquarters;

(f) **The need to specify the results to be achieved, and the resources required for this, to carry out effective programme delivery and to produce these concrete results**. The consolidated biennial budget should become a real tool for the planning and use of human and financial resources required for the effective implementation of the programmes. UNODC should be accountable for delivering results, and all Member States should be able to see how funds are being spent.

5. The UNODC strategy for the period 2008-2011 responds to the needs outlined above and is a joint undertaking of all the stakeholders of UNODC. This joint undertaking applies both to the formulation of this strategy, which has been done, and to its implementation. The means to secure the involvement of all stakeholders in the implementation is the consolidated biennial budget, in full compliance with relevant General Assembly resolutions and financial rules and regulations.

6. In support of the strategy, which will be reflected in the strategic framework and the consolidated biennial budget, UNODC will develop an implementation plan as an internal managerial tool, which will show:

(a) How each concrete result specified in the strategy will be achieved;

(b) How much it will cost;

(c) Where each activity will be carried out (country, region, world);

(d) Who (in terms of work units) will be responsible for it;

(e) Which projects will contribute to achieving it;

(f) What performance indicators will be used to measure its achievement.

7. Actions under this strategy contribute towards the protection and empowerment of those most vulnerable, in particular women and children, and to securing their lives, livelihoods and dignity.[8]

B. Objectives and results

8. UNODC will concentrate on three themes: rule of law; policy and trend analysis; and prevention, treatment and reintegration and alternative development.

1. Rule of law

9. The rule of law is the basis for providing security and justice for all. It is therefore the cornerstone of the work of UNODC. UNODC has assisted in the development of the international instruments on drugs and crime. It is the secretariat and custodian of the drug and crime conventions and protocols. The United Nations Global Counter-Terrorism Strategy,[9] in which Member States expressed their resolve to strongly condemn terrorism in all its forms and manifestations committed by whomever, wherever and for whatever purposes and recognized UNODC as the lead office for the delivery of legal assistance in preventing terrorism.

(a) Main objectives

10. For the theme of rule of law, the main objectives are as follows:

(a) *To promote, at the request of Member States, effective responses to crime, drugs and terrorism by facilitating the implementation of relevant international legal instruments*;

(b) *To promote, at the request of Member States, effective, fair and humane criminal justice systems through the use and application of United Nations standards and norms in crime prevention and criminal justice.*

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[8] Nothing in this document prejudges the acceptance of concepts that have not been approved by the General Assembly.

[9] General Assembly resolution 60/288.

(b) Result areas

11. The result areas are as follows:

Result area 1.1. Ratification and implementation of conventions and protocols

1.1.1. Universal ratification of the international drug control conventions, the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[10] the United Nations Convention against Corruption[11] and the relevant international conventions and protocols relating to terrorism

1.1.2. Improved national capacity for the enactment of domestic legislation in line with the above-mentioned conventions and protocols

1.1.3. Improved capacity of national criminal justice systems to implement the provisions of the above-mentioned conventions and protocols

1.1.4. High-quality services provided to treaty-based organs and governing bodies related to drugs, crime and terrorism

Result area 1.2. International cooperation in criminal justice matters

1.2.1. Enhanced capacity for international cooperation against crime, organized crime, corruption, drug trafficking and terrorism

1.2.2. Strengthened capacity of Member States to establish comprehensive and effective regimes against money-laundering and financing of terrorism in accordance with the relevant General Assembly resolutions

1.2.3. Strengthened capacity of Member States to establish comprehensive and effective regimes against money-laundering related to organized crime, drug trafficking and corruption

1.2.4. Enhanced capacity for international cooperation in asset recovery, mutual legal assistance, extradition and other forms of international cooperation in accordance with relevant conventions and protocols and, where appropriate and upon request, assisted by model treaties and agreements

1.2.5. Enhanced knowledge of the barriers to and good practices in the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, in particular, the provisions for international cooperation

1.2.6. Enhanced capacity for law enforcement cooperation against crime, organized crime, corruption, drug trafficking, diversion of precursors and terrorism

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[10] General Assembly resolution 55/25, annexes I-III, and resolution 55/255, annex.

[11] General Assembly resolution 58/4, annex.

1.2.7. Enhanced capacity to respond effectively utilizing special investigative techniques in the detection, investigation and prosecution of crime, organized crime, corruption and drug trafficking

1.2.8. Enhanced capacity to protect witnesses

Result area 1.3. Criminal justice systems: more accessible, accountable and effective

1.3.1. Enhanced capacity of Member States, particularly States in post-conflict or transitional stages, to develop and maintain accessible and accountable domestic criminal justice systems in accordance with international standards and norms

1.3.2. Enhanced capacity to respond to new and emerging forms of crime

1.3.3. Improved capacity of national criminal justice systems to use and apply relevant United Nations standards and norms in crime prevention and criminal justice

Result area 1.4. Terrorism prevention

1.4.1. Increasing awareness of relevant international conventions and protocols relating to terrorism and related United Nations resolutions

1.4.2. Enhancing the capacity of Member States to address the legal aspects of countering terrorism as reflected in the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly

1.4.3. Enhanced legal knowledge and expertise of Member States on the issues of terrorism prevention through, inter alia, the holding of training programmes, workshops and seminars

2. Policy and trend analysis

12. Effective policy must be based on accurate information. Policy and trend analysis is essential to measuring trends, highlighting problems, learning lessons and evaluating effectiveness. Scientific and forensic findings enrich policy and trend analysis by providing the basis for accurate information in specific areas.

13. Better data and improved national capacity to collect data are needed to support and enhance the international community's responses to crime and illicit drugs. There is also a greater need for counter-terrorism legal analysis in order to carry out technical assistance.

(a) Main objective

14. For the theme of policy and trend analysis, the main objective is as follows:

Enhanced knowledge of thematic and cross-sectoral trends for effective policy formulation, operational response and impact assessment in drugs and crime.

(b) Result areas

15. The result areas are as follows:

Result area 2.1. Threat and risk analysis

2.1.1. Enhanced knowledge of trends including emerging trends in drug and specific crime issues available to Member States and the international community

2.1.2. Enhanced capacity of Member States and the international community to formulate strategic responses to address emerging trends in drugs and crime

Result area 2.2. Scientific and forensic capacity

2.2.1. Improved scientific and forensic capacity of Member States to meet internationally accepted standards

2.2.2. Increased use of scientific information and laboratory data, supported by UNODC, in strategic operations, policy and decision-making

3. Prevention, treatment and reintegration, and alternative development

16. Drugs, crime, corruption and terrorism affect the lives of individuals and are major obstacles to sustainable development.

17. Addressing drug abuse and illicit drug production requires a shared responsibility. Prevention, reduction and the elimination of the cultivation of illicit drug crops are integral to achieving sustainable development and require special policies and greater efforts on the part of all Member States. In this regard, alternative development, an important component of a balanced and comprehensive drug control strategy, is intended to create a supportive environment for the implementation of that strategy, in contributing in an integrated way to the eradication of poverty, thus contributing to the attainment of Millennium Development Goals.[12]

(a) Main objectives

18. For the theme of prevention, treatment and reintegration and alternative development, the main objectives are as follows:

(a) *Reduction of opportunities and incentives for illicit activities and gains, and reduction of drug abuse, HIV/AIDS (as related to injecting drug abuse, prison settings and trafficking in human beings), criminal activity and victimization with a special focus on women and children, as well as the dissemination of information and successful practices in those areas*;

(b) *Effective prevention campaigns, care and reintegration into society of drug users and offenders, and assistance to victims of crime*;

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[12] A/56/326, annex.

(c) *Foster and strengthen international cooperation based on the principle of shared responsibility in sustainable alternative development, including, where appropriate, preventive alternative development.*

(b) Result areas

19. The result areas are as follows:

Result area 3.1. Community-centred prevention

3.1.1. Enhancing understanding and use of international standards and norms for crime prevention

3.1.2. Enhancing understanding and use of balanced demand and supply reduction strategies as a means for reducing the illicit drug problem

3.1.3. Creating tools to address youth and violent crime, especially in marginalized urban communities

3.1.4. Enhancing national capacity to prevent drug abuse

3.1.5. Increasing awareness of human trafficking among relevant authorities, general public and vulnerable groups

3.1.6. Increasing awareness among relevant authorities and the general public that smuggling of migrants is a criminal activity and poses serious risks to migrants

3.1.7. Expanding the capacity of Member States to foster community-centred drug abuse and crime prevention programmes and, in that context, increased cooperation between UNODC and relevant entities of civil society that are active in such programmes in accordance with relevant international conventions and within the mandates of UNODC

Result area 3.2. Corruption prevention

3.2.1. Effective development and implementation, by Member States, of preventive anti-corruption policies in compliance with the United Nations Convention against Corruption, through enhancing national capacity

3.2.2. Enhancing the capacity of Member States in establishing and strengthening effective, independent anti-corruption bodies in compliance with the United Nations Convention against Corruption

3.2.3. Increased awareness at the international level of corruption and its negative impact, as well as wider recognition of the United Nations Convention against Corruption

3.2.4. Increased cooperation between UNODC and relevant civil society entities as well as bilateral and multilateral organizations that advance capacities to implement the United Nations Convention against Corruption

3.2.5. Enhanced integrity and transparency of criminal justice systems in the context of corruption prevention through enhancing national capacity

Result area 3.3. HIV/AIDS prevention and care (as related to injecting drug users, prison settings and trafficking in human beings)

3.3.1. Expand Member States' capacity to reduce the spread of HIV/AIDS among injecting drug users, in conformity with relevant international conventions and the established mandates of UNODC

3.3.2. Expand Member States' capacity to reduce the spread of HIV/AIDS in prison settings

3.3.3. Expanding, in consultation with the Member States concerned, the capacity of relevant entities of civil society to respond to HIV/AIDS among injecting drug users and in prison settings, in accordance with relevant international conventions and the established mandates of UNODC

Result area 3.4. Alternative development

3.4.1. Enhanced capacity of Member States, upon request, to design and implement sustainable alternative development programmes, including, where appropriate, preventive alternative development programmes, within their broader development context, aimed at preventing, reducing and eliminating the illicit cultivation of opium poppy, coca bush and cannabis

3.4.2. Raising awareness of and mainstreaming the issue of alternative development, including, where appropriate, preventive alternative development programmes, among international organizations, international financial institutions and development networks

3.4.3. Increased partnerships between UNODC and relevant civil society entities and the private sector that promote Member States' capacity for collaborative activities in alternative development, including, where appropriate, preventive alternative development

Result area 3.5. Treatment and rehabilitation of drug-dependent persons

3.5.1. Increased Member States' capacity to provide treatment and support services to drug-dependent persons

3.5.2. Enhanced knowledge of treatment and rehabilitation for abusers of new and emerging types of drugs and expanded Member States' capacity to respond to the abuse of such drugs

3.5.3. Improved well-being, rehabilitation and reintegration into society of people undergoing treatment for drug dependence

3.5.4. Increased partnerships with relevant civil society entities that advance Member States' capacities to provide treatment and rehabilitation that are in accordance with the relevant international conventions

Result area 3.6. Prison reform

3.6.1. Wide application of international standards and norms on the treatment of prisoners

3.6.2. Increased capacity to apply international standards on the professional management/operation of prisons

3.6.3. Increased capacity to apply international standards and norms on diversions, restorative justice and non-custodial sanctions, where appropriate

3.6.4. Increased partnerships with relevant civil society entities that advance Member States' capacities to apply international standards and norms that are in accordance with the relevant international conventions and within the established mandates of UNODC

Result area 3.7. Juvenile justice

3.7.1. Enhancing capacity of Member States to apply international standards and norms on juvenile justice

3.7.2. Increased partnerships between UNODC and relevant civil society entities that advance Member States' capacities to apply international standards and norms on juvenile justice

Result area 3.8. Assistance to victims

3.8.1. Wider application of international standards and norms on the treatment of victims of crime

3.8.2. Strengthened capacity of Member States to implement victim assistance programmes for the most vulnerable segments of society, including women and children

3.8.3. Strengthened partnerships between UNODC and relevant civil society entities that advance Member States' capacity to raise awareness of existing standards and norms and their application in the area of victim assistance

C. Management support

20. In line with relevant General Assembly resolutions and decisions, including those related to the United Nations reform process, and rules and regulations of the United Nations, this strategy puts particular emphasis on results-based management, budgeting and accountability. The following management support initiatives are guided by General Assembly resolutions, in particular resolutions 55/231 of 23 December 2000, 60/1 of 16 September 2005 and 60/257 and 60/260 of 8 May 2006:

(a) Improved results-based management:

(i) Resources are well aligned with strategic objectives;

(ii) Planning, programming and budgetary cycles are aligned;

(iii) Continuous strengthening of the monitoring and evaluation framework, in particular project cycle management;

(iv) Improved capacity to apply the lessons learned from evaluation;

(b) Effective and transparent financial management:

(i) Effective and transparent financial management at the project and organizational level, contributing to the overall efficiency of UNODC;

(ii) Improved financial reporting and analysis, including risk assessment;

(c) Motivated staff:

(i) Further development of transparent, effective and fair recruitment/placement systems to support a results-based approach;

(ii) Performance of staff evaluated on the basis of the achievement of results and the demonstration of required values and competencies;

(iii) Due regard shall be paid to the recruitment of staff on as wide a geographical basis as possible;

(d) Expanded strategic partnerships:

(i) Deepening and widening of partnerships including, where appropriate, with relevant civil society entities and the private sector in order to achieve operational synergies and generate a multiplier effect in promoting good practices and achieving the agreed upon results;

(ii) Leveraging resources effectively by broadening its resource base by coordinating with development partners and through initiatives such as the United Nations Trust Fund for Human Security;

(e) Strengthened field capacity:

(i) Increase expertise and presence in the field, with due regard to project activity, through, among others, different arrangements in partnership with other United Nations entities, while maintaining optimal staffing levels at headquarters;

(ii) Integration of UNODC field capacities into the United Nations country teams where appropriate;

(iii) Technical assistance projects in accordance with national and regional priorities within the framework of this strategy and in consultation with the Member States concerned and other development partners;

(iv) Country ownership of technical assistance;

(v) Consultation with the Member States concerned on the presence of field offices based on consideration of planning, programming and budgetary requirements;

(f) Innovative information and communications technology:

Effective use of modern information technology services for programmatic, management and reporting purposes;

(g) Raise the public profile of UNODC activities:

(i) Making the achievements of UNODC more visible to both the general public and to the specialized audience of policymakers, practitioners and analysts/researchers;

(ii) Effective utilization of both classical and modern information and communication technologies to raise the profile of UNODC;

(h) Reporting:

Reporting on the progress of the implementation of the strategy.

Draft resolution II

International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime

The Economic and Social Council,

Concerned about substantial increases in the volume, rates of transnational occurrences and range of offences relating to economic fraud and identity-related crime,

Concerned about the role played by information, communications and computer technologies in the evolution of economic fraud and identity-related crime,

Concerned about the role often played by organized criminal groups and terrorist groups in economic fraud and the use of the substantial proceeds of fraud to finance organized crime, corruption and terrorism,

Concerned about the serious threat that economic fraud poses to domestic and international projects relating to sustainable development, economic reform, post-conflict reconstruction and recovery from natural disasters,

Concerned about the use of identity-related crime to further the commission of other illicit activities, including economic fraud, crimes relating to migration and international travel, and terrorism,

Convinced of the need to enhance the ability to establish, validate and verify the identity of individuals in order to prevent and combat identity-related crime and other offences,

Bearing in mind the need to respect human rights and the privacy and other rights of persons in respect of their identities, identity documents and identification information and to protect identities and related documents and information from inappropriate disclosure and criminal misuse,

Bearing in mind also the role played by commercial entities and other private sector interests in establishing and using identity for commercial and other non-governmental purposes, and the need for effective collaboration between Governments and the private sector in gathering information about economic fraud and identity-related crime and in developing and implementing effective measures to prevent, investigate and prosecute such crime, *Bearing in mind further* that the United Nations Convention against Transnational Organized Crime and the Protocols thereto[13] represent a major step forward in the fight against transnational organized crime, including economic fraud, identity-related crime and the other activities of organized criminal groups supported by such offences, being the primary international legal instruments and the basis for actions against organized crime, including criminalization, extradition, mutual legal assistance and law enforcement cooperation, prevention and technical assistance,

Bearing in mind further that the United Nations Convention against Corruption[14] represents a major step forward in the fight against corruption, including forms of corruption related to economic fraud and identity-related crime,

Taking note of the Council of Europe Convention on Cybercrime,[15] which is an international legal instrument open to ratification or accession by States not members of the Council and which specifically addresses computer-related fraud and computer-related forgery, as well as other forms of cybercrime that may contribute to the commission of economic fraud, identity-related crime, money-laundering or other related illicit activities,

Recalling chapter XI of the report of the United Nations Commission on International Trade Law on its thirty-sixth session, in which it was noted that the Commission considered that it would be useful to conduct a study of forms of commercial fraud and was informed that it might be possible for the United Nations Commission on Crime Prevention and Criminal Justice to conduct such a study,[16]

Taking note of the report on the seventh meeting of the International Group for Anti-Corruption Coordination, held in Bangkok on 21 and 22 April 2005,

Recalling its resolution 2004/26 of 21 July 2004, in which it requested the Secretary-General to convene an intergovernmental expert group to prepare a study on fraud and the criminal misuse and falsification of identity, and to submit a report containing the results of that study to the Commission on Crime Prevention and Criminal Justice at its fifteenth session or, if necessary, at its sixteenth session, for its consideration,

1. *Condemns* the perpetration of economic fraud and identity-related crime;

2. *Notes with appreciation* the work thus far of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity;

3. *Welcomes* the report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity;[17]

4. *Expresses* its gratitude to the Governments of Canada and the United Kingdom of Great Britain and Northern Ireland for their financial support of that work;

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[13] General Assembly resolution 55/25, annexes I-III, and resolution 55/255, annex.

[14] General Assembly resolution 58/4, annex.

[15] Council of Europe, *European Treaty Series*, No. 185.

[16] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 241.

[17] E/CN.15/2007/8 and Add.1-3.

5. *Acknowledges* the assistance of Member States and the United Nations Commission on International Trade Law, which provided substantive information for the study, as well as that of the commercial entities that provided information via the United Nations Commission on International Trade Law and the reports of Member States;

6. *Requests* the Secretary-General to disseminate the report as widely as possible, pursuant to the conclusions and recommendations contained in the report;

7. *Encourages* Member States to consider the report and, as appropriate and consistent with their domestic law, national legal framework, including jurisdiction, and relevant international instruments, to avail themselves of its recommendations when developing effective strategies for responding to the problems addressed in the report, bearing in mind that further study may be appropriate;

8. *Also encourages* Member States to consider updating their laws in order to tackle the recent evolution of economic fraud and the use of modern technologies to commit transnational fraud and mass fraud;

9. *Further encourages* Member States to consider establishing or updating, as appropriate, criminal offences for the illicit taking, copying, fabrication and misuse of identification documents and identification information;

10. *Further encourages* Member States to make full use of modern technologies to prevent and combat economic fraud and identity-related crime;

11. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime;[18]

12. *Encourages* Member States to consider acceding to the Council of Europe Convention on Cybercrime,[19] as well as to any other international legal instrument relevant or applicable to economic fraud and identity-related crime;

13. *Also encourages* Member States to take into account the use of terms and the scope of application, pursuant to articles 2 and 3 of the United Nations Convention against Transnational Organized Crime, in establishing or updating, as appropriate, offences relating to the criminal misuse and falsification of identity;

14. *Requests* the United Nations Office on Drugs and Crime to provide, upon request and subject to extrabudgetary resources, legal expertise or other forms of technical assistance to Member States reviewing or updating their laws dealing with transnational fraud and identity-related crime, in order to ensure that appropriate legislative responses to such offences are in place;

15. *Encourages* Member States to take appropriate measures so that their judicial and law enforcement authorities may cooperate more effectively in fighting fraud and identity-related crime, if necessary by enhancing mutual legal assistance and extradition mechanisms, taking into account the transnational nature of such crime and making full use of the relevant international legal instruments, including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption;[20]

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[18] General Assembly resolution 55/25, annex I.

[19] Council of Europe, *European Treaty Series*, No. 185.

[20] General Assembly resolution 58/4, annex.

16. *Also encourages* Member States to consult and collaborate with appropriate commercial and other private sector entities to the extent feasible, with a view to more fully understanding the problems of economic fraud and identity-related crime and cooperating more effectively in the prevention, investigation and prosecution of such crime;

17. *Encourages* the promotion of mutual understanding and cooperation between public and private sector entities through initiatives aimed at bringing together various stakeholders and facilitating the exchange of views and information among them, and requests the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to facilitate such cooperation, in consultation with the secretariat of the United Nations Commission on International Trade Law, pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004;

18. *Recalls* paragraph 5 of its resolution 2004/26 of 21 July 2004, in which it requested the intergovernmental expert group to use the information gained by the study for the purpose of developing useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity, and invites Member States to contribute the necessary extrabudgetary resources to permit the conclusion of that work;

19. *Decides* to include "Economic fraud and identity-related crime" as a potential thematic topic for discussion by the Commission on Crime Prevention and Criminal Justice at one of its future sessions;

20. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its eighteenth session, on the implementation of the present resolution.

Draft resolution III

Information-gathering instrument in relation to United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Recalling its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

Recalling also its resolution 2003/30 of 22 July 2003 on United Nations standards and norms in crime prevention and criminal justice, in which it decided to group such standards and norms into four categories for the purpose of targeted collection of information, in order to better identify the specific needs of Member States with a view to improving technical cooperation, and in which it called upon Member States, in responding to inquiries on the application of such standards and norms, to focus on identifying difficulties encountered in their application, ways in which technical assistance could overcome those difficulties and desirable practices in prevention and control of crime,

Aware of the collection of information that has taken place in relation to the first three categories of United Nations standards and norms in crime prevention and criminal justice, *Recalling* its resolution 2006/20 of 27 July 2006 on United Nations standards and norms in crime prevention, in which it requested the Secretary-General to convene an intergovernmental expert group meeting, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design an information-gathering instrument in relation to the second component of the third category of United Nations standards and norms in crime prevention and criminal justice, namely, those related primarily to victim issues, and to study ways and means to promote their use and application, and to report on progress made in that connection to the Commission on Crime Prevention and Criminal Justice at its sixteenth session,

Taking note of General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[21]

Recalling its resolution 1989/57 of 24 May 1989 on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Taking note of its resolution 2005/20 of 22 July 2005, in which it adopted the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime,[22] invited Member States to draw, where appropriate, on the Guidelines in the development of legislation, procedures, policies and practices for children who were victims or witnesses in criminal proceedings, and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session on the implementation of that resolution,

Taking note of General Assembly resolution 56/261 of 31 January 2002, entitled "Plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century", in particular section IX of the plans of action, on action in the context of witnesses and victims of crime to implement the relevant commitments undertaken in the Vienna Declaration,

Aware that in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[23] Member States recognized the importance of giving special attention to the need to protect witnesses and victims of crime and terrorism, and committed themselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

1. *Reiterates* its continued support to the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;[24]

2. *Notes with appreciation* the work of the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues, held in Vienna from 27 to 29 November 2006, in designing an information-gathering instrument in relation to United Nations standards and norms related primarily to

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[21] General Assembly resolution 40/34, annex.

[22] Economic and Social Council resolution 2005/20, annex.

[23] General Assembly resolution 60/177, annex.

[24] General Assembly resolution 40/34, annex.

victim issues and in identifying proposals to foster the use and application of such standards and norms;

3. *Expresses its gratitude* to the Governments of Canada and Germany for their financial support in the organization of the Meeting of the Intergovernmental Expert Group;

4. *Approves* the questionnaire on United Nations standards and norms related primarily to victim issues, contained in the annex to the present resolution, which is designed to identify examples of how individual States use and apply the relevant standards and norms, but such examples are not intended to provide standards of use and application that would necessarily be suitable for all States;

5. *Requests* the Secretary-General to forward the questionnaire to Member States;

6. *Invites* Member States to reply to the questionnaire and to include any comments or suggestions they may have in relation to that instrument;

7. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to seek information from relevant intergovernmental and non-governmental organizations, within the mandate of the Commission on Crime Prevention and Criminal Justice, and from the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant United Nations entities with respect to their capacity to provide technical assistance in relation to the areas outlined in the questionnaire;

8. *Requests* the Secretary-General to convene, subject to extrabudgetary resources and subject to the outcome of discussions at the second session of the Conference of the States Parties to the United Nations Convention against Corruption on its information-gathering mechanism, an open-ended intergovernmental meeting of experts, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design an information-gathering instrument in relation to the fourth category of United Nations standards and norms in crime prevention and criminal justice, namely, those related primarily to the independence of the judiciary and the integrity of criminal justice personnel, building on the experience gained from the information-gathering exercises completed to date, in particular in relation to the United Nations Convention against Transnational Organized Crime[25] and the United Nations Convention against Corruption,[26] and ensuring that there is no duplication or overlap between the information-gathering instrument and the work covered by existing mechanisms and working groups;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighteenth session on the basis of information gathered using the questionnaire referred to in paragraph 5 above on the use and application of United Nations standards and norms related primarily to victim issues, in particular with regard to the following areas:

(a) Examples of difficulties encountered in the application of United Nations standards and norms related primarily to victim issues;

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[25] General Assembly resolution 55/25, annex I.

[26] General Assembly resolution 58/4, annex.

(b) Examples of ways in which technical assistance can be provided to overcome those difficulties;

(c) Examples of useful practices in addressing existing and emerging challenges in that field;

(d) Suggestions from Member States on ways to further improve existing standards and norms related primarily to victim issues if Member States add such comments to their responses to the questionnaire.

Annex

Questionnaire on United Nations standards and norms related primarily to victim issues

The purpose of the present questionnaire is not to monitor compliance with standards and norms but, rather, to collect targeted information in order to provide examples of their use and application and potentially identify specific needs, with a view to improving technical cooperation.

Report of the Government of:

____

Date of receipt of questionnaire:

____

Name of authority:

____

Full postal address:

____

Name of person or service to be contacted:

____

Title or position:

____

Telephone number:

____

Fax number:

____

E-mail address:

____

Website (if available):

____

Part I

Legislative measures

1. Who in your country has responsibility for enacting and implementing legislative measures relating to victims?[27]

____

____

____

2. Please provide below examples of legislation dealing with victims of crime enacted in your country, including measures to address the needs of special groups of victims (for example, children and victims of terrorism, trafficking, domestic violence, sexual abuse, abuse of power or drug-related crime or other groups of victims).

General description	**Title and reference**

Date of adoption

____

None ☐

If none, please explain why no such legislative measures have been enacted in your country, then go to question 6.

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[27] "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. A person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. It also means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights (see paras. 1, 2 and 18 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex)).

3. Does your country have legislative measures to address the special situation of child victims?

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____

____

4. What difficulties, if any, have been encountered in the implementation of those legislative measures?

____

____

____

5. Do you have any best practices to report that could help other countries? (Please specify.)

____

____

____

Part II

Assistance and support to victims

6. (a) To what extent do victims of crime receive the types of assistance described in the table below?

6. (b) In cases where such assistance is not provided free of charge, is it made available to those who are unable to pay?

Type of assistance	*Frequency of receipt of assistance by victims of crime*					*Assistance available to those unable to pay (tick box)*
	Never	Rarely	Sometimes	Usually	Always	
Immediate crisis assistance	☐	☐	☐	☐	☐	☐
Material support (including financial support)	☐	☐	☐	☐	☐	☐
Medical care	☐	☐	☐	☐	☐	☐
Psychological assistance	☐	☐	☐	☐	☐	☐

Type of assistance	*Frequency of receipt of assistance by victims of crime*					*Assistance available to those unable to pay (tick box)*
Social assistance	☐	☐	☐	☐	☐	☐
Educational assistance	☐	☐	☐	☐	☐	☐
Legal assistance	☐	☐	☐	☐	☐	☐
Protection	☐	☐	☐	☐	☐	☐
Long-term assistance (rehabilitation, reintegration, etc.)	☐	☐	☐	☐	☐	☐
Other (please specify)	☐	☐	☐	☐	☐	☐

7. (a) Do victims of crime in your country have access to State-funded legal assistance throughout the criminal justice process?

Yes ☐ No ☐

7. (b) Is that assistance also available to non-nationals?

Yes ☐ (Please specify.) No ☐

____

____

____

8. To what extent do child victims receive specific assistance measures?

Never	*Rarely*	*Sometimes*	*Usually*	*Always*
☐	☐	☐	☐	☐

9. Who are the main providers of these services? (Please tick appropriate box(es).)

Government institutions/agencies ☐
Non-governmental organizations ☐
Other (please specify) ☐

10. What mechanisms, if any, are in place at the local or national level to coordinate the provision of victim assistance services? (Please specify.)

____

____

____

11. Are measures in place in your country to facilitate the exchange of information and expertise between governmental and non-governmental agencies dealing with victims?

Yes ☐ No ☐

If the answer is "Yes", please specify.

____

____

____

12. Has your country adopted national policies and/or standards for the delivery of victim assistance?

Yes ☐ No ☐

If the answer is "Yes", please specify and include the year in which the policies and/or standards were introduced.

____

____

____

Part III

Information

A. General information provided to the public

13. In your country, have any education or information initiatives been undertaken to raise public awareness on the detrimental effects of crime and the needs of victims?

Yes ☐ No ☐

If the answer is "Yes", please provide some examples of successful initiatives.

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____

____

B. Specific information provided to victims

14. Are the following data or information provided to victims in your country? (If this service is not available in your country, please tick "not applicable".)

	Never	*Rarely*	*Sometimes*	*Always*	*Not applicable*
Availability of health, psychological, social and other services, as well as means of accessing such services	☐	☐	☐	☐	☐
Availability of legal advice	☐	☐	☐	☐	☐
Cost of legal advice, where relevant	☐	☐	☐	☐	☐
Availability of legal aid	☐	☐	☐	☐	☐
Cost of legal aid, where relevant	☐	☐	☐	☐	☐
How and in which circumstances to obtain protection	☐	☐	☐	☐	☐
Possibility of obtaining restitution from the offender	☐	☐	☐	☐	☐
Possibility of obtaining compensation from the State, where applicable	☐	☐	☐	☐	☐
Possibility of obtaining emergency financial support, where applicable	☐	☐	☐	☐	☐
Existing opportunities to obtain restitution from the offender and compensation from the State through civil proceedings or other processes	☐	☐	☐	☐	☐
Custodial status of the offender	☐	☐	☐	☐	☐
Existing support mechanisms for the victim when making a complaint and participating in the investigation and court proceedings	☐	☐	☐	☐	☐
Other, please specify	☐	☐	☐	☐	☐

15. Please indicate whether victims/witnesses are provided with the types of information listed below.

	Victims in general		*Child victims**		*Child witnesses**	
	Yes	No	Yes	No	Yes	No
The justice process and the victim's role (status) within it	☐	☐	☐	☐	☐	☐
Availability of protective measures	☐	☐	☐	☐	☐	☐

	Victims in general		*Child victims**		*Child witnesses**	
	Yes	No	Yes	No	Yes	No
The timing and manner of testimony	☐	☐	☐	☐	☐	☐
The timing and manner of remedies	☐	☐	☐	☐	☐	☐
The way the questioning will be conducted	☐	☐	☐	☐	☐	☐
The specific locations and times of hearings and other relevant events	☐	☐	☐	☐	☐	☐
Existing mechanisms for review of decisions affecting victims	☐	☐	☐	☐	☐	☐
Progress of proceedings	☐	☐	☐	☐	☐	☐
Disposition of the specific case	☐	☐	☐	☐	☐	☐
Apprehension and arrest of the suspect	☐	☐	☐	☐	☐	☐
Custodial status of the accused and any pending changes to that status	☐	☐	☐	☐	☐	☐
Prosecutorial decision and post-trial developments	☐	☐	☐	☐	☐	☐
Outcome of the case	☐	☐	☐	☐	☐	☐
Other information (please specify)	☐	☐	☐	☐	☐	☐

* This may include, as appropriate, their parents, guardians or legal representatives.

16. Are measures in place to ensure that victims in your country receive the information they need in a language and a manner they understand?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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17. Have measures been undertaken in your country to ensure that information to victims is transmitted in a timely manner?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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Part IV

Victims in the framework of the justice process[28]

18. In your country, do the following categories of criminal justice and other officials generally receive specific training on how to deal with victims in general and/or child victims and witnesses[29] (including interviewing, questioning and cross-examination) so as to avoid secondary victimization?[30]

	Victims in general		*Child victims and witnesses*	
	Yes	No	Yes	No
Police	☐	☐	☐	☐
Prosecutors	☐	☐	☐	☐
Judges	☐	☐	☐	☐
Lawyers	☐	☐	☐	☐
Corrections officials	☐	☐	☐	☐
Immigration officials	☐	☐	☐	☐
Social workers	☐	☐	☐	☐
Medical staff	☐	☐	☐	☐
Other (please specify)	☐	☐	☐	☐

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[28] "Justice process" encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice (see para. 9 (c) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex)).

[29] "Child victims and witnesses" denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or group of offenders (see para. 9 (a) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime).

[30] "Secondary victimization" refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim; see United Nations, Office for Drug Control and Crime Prevention, *Handbook on Justice for Victims* (New York, 1999), p. 9.

19. In your country, are support mechanisms widely available to victims in general and/or child victims and witnesses at the stages of the justice process listed below?

	Victims in general		*Child victims and witnesses*	
	Yes	No	Yes	No
Making of a complaint (reporting a crime)	☐	☐	☐	☐
Investigation	☐	☐	☐	☐
Court proceedings	☐	☐	☐	☐
Post-trial procedures	☐	☐	☐	☐
Correctional proceedings (e.g. Parole hearings)	☐	☐	☐	☐
Other proceedings (please specify)	☐	☐	☐	☐

20. Does your country have in place specific measures to facilitate the testimony of child victims and witnesses (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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21. Does your country have in place measures to facilitate the testimony of other vulnerable victims[31] (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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22. Does your country allow the views and concerns of victims to be presented and considered at appropriate stages of the justice process where their personal interests are affected?

Yes ☐ No ☐

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[31] For example, victims of organized crime, victims of human trafficking, victims of terrorism, victims of violence in intimate relationships, victims of violence against women and victims of sexual violence.

If the answer is "Yes", please provide details.

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23. Does your country allow victims to provide information to the court on the impact the crime has had on them?[32]

Yes ☐ No ☐

If the answer is "Yes", please provide details.

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Part V

Informal mechanisms for the resolution of disputes

24. Does your country allow, when appropriate, the use of informal mechanisms for the resolution of disputes, such as mediation, arbitration, customary justice and indigenous practices, in order to facilitate conciliation and redress for victims?

Yes ☐ No ☐

If the answer is "No", please go to question 30. If the answer is "Yes", please provide details.

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25. Is the recourse to informal mechanisms for the resolution of disputes regulated by appropriate guidelines or standards, such as the Basic Principles on the Use of Restorative Justice Programmes in criminal matters?[33]

Yes ☐ No ☐

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[32] In some common law countries, this is done through a "victim impact statement" whereby the victim can fill out a form (often with the assistance of the prosecutor or another authority) in which he or she indicates what impact the offence has had, what property was lost or damaged, what other financial losses resulted and how the event has disrupted his or her life. In other jurisdictions such as civil law countries, victims may be recognized as "partie civile", thereby enabling them to participate in the proceedings and inform the court of how the offence has affected them physically, mentally or otherwise. See *Handbook on Justice for Victims*, p. 39.

[33] Economic and Social Council resolution 2002/12, annex.

If the answer is "Yes", please specify.

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26. Is support provided to victims who participate in the above informal mechanisms?

Yes ☐ No ☐

If the answer is "Yes", please specify the type of support provided and by whom.

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Part VI

Privacy

27. Does your country have in place measures to protect the privacy of victims (for example, publication bans, in camera trials)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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28. Does your country have in place specific measures to protect the privacy of child victims and witnesses (for example, publication bans, in camera trials)?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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29. Have guidelines been adopted in your country for/by the media in order to protect the interests of victims and to curtail victimization?

Yes ☐ No ☐

If the answer is "Yes", please describe.

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30. Have specific guidelines been adopted in your country for/by the media in order to protect the interests of child victims and witnesses and to curtail victimization?

Yes ☐ No ☐

If the answer is "Yes", please describe.

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Part VII

Restitution[34] and compensation[35]

31. Does the law of your country allow the victim (and where appropriate, the family and/or dependants of the victim) to obtain restitution from the offender in the context of criminal proceedings? (Please tick the appropriate box(es).)

Victim	☐
Family of the victim	☐
Dependants of the victim	☐

32. If the law of your country allows for restitution, can it include the following? (Please tick the appropriate box(es).)

Return of property	☐
Reimbursement of expenses incurred	☐
Provision of services	☐
Restoration of rights	☐
Payment for harm or loss suffered	☐

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[34] "Restitution" means that offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights (see para. 8 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

[35] "Compensation" means financial compensation provided by the State when compensation is not fully available from the offender or other sources (see para. 12 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

Other (please specify) ☐

33. Does the law of your country recognize restitution orders as an available sentencing option?

Yes ☐ No ☐

34. Does your country have in place appropriate mechanisms to execute restitution orders?

Yes ☐ No ☐

If the answer is "Yes", please describe.

35. In your country, is there in place a State compensation scheme for victims (and, where appropriate, the family and/or dependants of the victim)? (Please tick appropriate box(es).)

Victims ☐

Family of the victim ☐

Dependants of the victim ☐

If the answer in all three cases is "No", please go to question 45.

If the answer is "Yes", please provide details regarding eligibility (for example, who is entitled to State compensation and for which types of crime).

36. Is State compensation available to nationals of another country who are victimized in your country?

Yes ☐ No ☐

If the answer is "Yes", is this subject to reciprocity? Please explain.

37. What kinds of damage qualify for compensation by the State? (Please tick appropriate box(es).)

Treatment and rehabilitation for physical injuries ☐

Treatment and rehabilitation for psychological injuries ☐

Loss of income ☐

Funeral expenses ☐

Loss of maintenance for dependents ☐

Pain and suffering ☐

Material damages ☐

Other (please specify)

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38. How is the State compensation scheme funded? (Please tick appropriate box(es).)

Government funding ☐

Confiscation of offender's assets ☐

Fines ☐

Special tax ☐

Surcharge ☐

Seized proceeds of crime ☐

Other source (please specify)

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39. Does your country offer other types of measure to mitigate the negative effects of crime on victims (for example, memorials, formal apologies)?

Yes ☐ No ☐

If the answer is "Yes", please describe.

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Part VIII

Research and education/prevention campaigns

40. Please indicate below if any victimization surveys[36] have been conducted in your country in the last 10 years. (Please tick appropriate box(es).)

Ad hoc victimization survey(s) ☐
Periodic victimization survey(s) ☐
Continuous victimization survey ☐
Multipurpose surveys with the inclusion of a module on victimization ☐
Violence against women survey(s) ☐
Other (please specify) ☐
None ☐

41. Please indicate below if there are plans to conduct new victimization surveys in the near future. (Please tick appropriate box(es).)

Ad hoc victimization survey(s) ☐
Periodic victimization survey(s) ☐
Continuous victimization survey ☐
Multipurpose surveys with the inclusion of a module on victimization ☐
Violence against women survey(s) ☐
Other (please specify) ☐
None ☐

42. Does your country have in place measures to prevent the victimization of types of victim known to be at high risk (for example, education or prevention campaigns)?

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[36] "Victimization surveys" are large-scale studies that ask randomly sampled members of the population about their experiences with crime.

Part IX

International standards and cooperation

43. Is the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power available to the general public in the official language(s) of your country?

Yes ☐ No ☐

Please specify.

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44. Are the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime available to the general public in the official language(s) of your country?

Yes ☐ No ☐

Please specify.

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45. Have the professionals[37] who come into contact with victims been made aware of the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power?

Yes ☐ No ☐

If the answer is "Yes", please explain how this was done.

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46. Have the professionals who come into contact with child victims and witnesses been made aware of the provisions of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime?

Yes ☐ No ☐

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[37] "Professionals" is used in the broader sense to include volunteers (see Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 9 (b)).

If the answer is "Yes", please explain how this was done.

47. Has your country put in place measures to cooperate with other countries in providing assistance and protection to victims of crime?

Yes ☐ No ☐

If the answer is "Yes", please specify.

Part X

Technical assistance

48. Have you encountered any difficulties in the use and application of United Nations standards and norms related to victims in your country?

Yes ☐ No ☐

If the answer is "Yes", please provide details.

49. Are you aware of opportunities for technical assistance in this area that might be available through United Nations agencies?

Yes ☐ No ☐

50. Does your country need technical assistance in the use and application of United Nations standards and norms related primarily to victim issues?

Yes ☐ No ☐

If the answer is "Yes", please specify.

51. Is your country in a position to provide technical assistance (for example, sharing of good practices) in the use and application of United Nations standards and norms related primarily to victim issues?

Yes ☐ No ☐

If the answer is "Yes", please specify.

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Draft resolution IV

Strengthening basic principles of judicial conduct

The Economic and Social Council,

Recalling the Charter of the United Nations, in which Member States affirm, inter alia, their determination to establish conditions under which justice can be maintained to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without any discrimination,

Recalling also the Universal Declaration of Human Rights,[38] which enshrines in particular the principles of equality before the law, of the presumption of innocence and of the right to a fair and public hearing by a competent, independent and impartial tribunal,

Recalling further that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights[39] both guarantee the exercise of those rights and that the International Covenant on Civil and Political Rights further guarantees the right to be tried without undue delay,

Recalling further the United Nations Convention against Corruption,[40] in article 11 of which States parties are required, in accordance with the fundamental principles of their legal systems and without prejudice to judicial independence, to take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary, including rules with respect to the conduct of members of the judiciary,

Convinced that corruption of members of the judiciary undermines the rule of law and adversely affects public confidence in the judicial system,

Convinced also that the integrity, independence and impartiality of the judiciary are prerequisites for the effective protection of human rights and economic development,

Recalling General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the resolutions adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan, Italy, from 26 August to 6 September 1985, including the resolution containing the Basic Principles on the Independence of the Judiciary,[41]

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[38] General Assembly resolution 217 A (III).

[39] General Assembly resolution 2200 A (XXI), annex.

[40] General Assembly resolution 58/4, annex.

[41] See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

Recalling also General Assembly resolution 40/146 of 13 December 1985, in which the Assembly welcomed the Basic Principles on the Independence of the Judiciary,

Recalling further the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo from 29 April to 8 May 1995, concerning the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of criminal justice,[42]

Recalling further Commission on Human Rights resolution 2003/43, on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, in which the Commission took note of the Bangalore Principles of Judicial Conduct and brought those principles to the attention of Member States, relevant United Nations organs and intergovernmental and non-governmental organizations for their consideration,

Recalling further Economic and Social Council resolution 2006/23 of 27 July 2006, on strengthening basic principles of judicial conduct, in which the Council emphasized that the Bangalore Principles of Judicial Conduct[43] represented a further development and were complementary to the Basic Principles on the Independence of the Judiciary, and invited Member States, consistent with their domestic legal systems, to encourage their judiciaries to take the Bangalore Principles into consideration when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary,

1. *Takes note with appreciation* of the report of the Secretary-General on strengthening basic principles of judicial conduct,[44] in particular the progress reported by several Member States on the implementation of the Bangalore Principles of Judicial Conduct;[45]

2. *Invites* Member States, consistent with their domestic legal systems, to continue to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary;

3. *Looks forward* to the imminent finalization of the commentary on the Bangalore Principles of Judicial Conduct and commends the work of the open-ended intergovernmental expert group established pursuant to Economic and Social Council resolution 2006/23 of 27 July 2006 and the Judicial Group on Strengthening Judicial Integrity;

4. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to translate the commentary on the Bangalore Principles of Judicial Conduct into all official languages of the United Nations and to disseminate it to Member States, international and regional judicial forums and appropriate organizations;

5. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources and in line with the recommendations of the

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[42] See A/CONF.169/16/Rev.1, chap. I, resolution 1, sect. III.

[43] Economic and Social Council resolution 2006/23, annex.

[44] E/CN.15/2007/12.

[45] Economic and Social Council resolution 2006/23, annex.

intergovernmental expert group, to continue its work aimed at developing a guide on strengthening judicial integrity and capacity and to circulate the guide to Member States for comments;

6. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to convene an open-ended intergovernmental expert group, involving the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to finalize the guide on strengthening judicial integrity and capacity, taking into account comments received from Member States;

7. *Also requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, in particular through its Global Programme against Corruption, to develop and implement technical cooperation projects and activities aimed at supporting Member States, upon their request, in developing rules with respect to the professional and ethical conduct of the members of the judiciary, as well as in their implementation of the Bangalore Principles of Judicial Conduct;

8. *Further requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to explore the development of technical cooperation projects and activities aimed at strengthening the integrity and capacity of other criminal justice institutions, in particular prosecution services and the police, in cooperation with the initiatives of States and relevant international organizations;

9. *Expresses its appreciation* to Member States that have made voluntary contributions to the United Nations Office on Drugs and Crime in support of its technical cooperation activities aimed at strengthening judicial integrity and capacity, including the promotion of the implementation of the Bangalore Principles of Judicial Conduct;

10. *Invites* Member States to make voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund to support the United Nations Office on Drugs and Crime in providing, through its Global Programme against Corruption, technical assistance to developing countries and countries with economies in transition, upon request, to strengthen the integrity and capacity of their judiciaries, including through the use and application of the Bangalore Principles of Judicial Conduct;

11. *Requests* the Secretariat to submit the Bangalore Principles on Judicial Conduct and the commentary on the Bangalore Principles to the Conference of the States Parties to the United Nations Convention against Corruption at its second session;

12. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session on the implementation of the present resolution.

Draft resolution V

Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights,[46] which entitles children to special care and assistance,

Recalling the Convention on the Rights of the Child,[47] in particular articles 37 and 40 of the Convention, which, commit parties to the Convention to, inter alia, using the deprivation of liberty of persons under the age of eighteen only as a measure of last resort,

Recalling the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)[48] and other relevant United Nations standards and norms,

Bearing in mind that the aim of a child justice system is to ensure that any reaction to children in conflict with the law is always in proportion to the circumstances of both the child and the offence,

Noting the high risk of violence and abuse against children in the criminal justice system, as highlighted in the note by the Secretary-General on the rights of the child transmitting the report of the independent expert for the United Nations study on violence against children,[49] submitted to the General Assembly pursuant to Assembly resolution 60/231 of 23 December 2005,

Alarmed by the finding of the independent expert, contained in his report, that, in some countries, the majority of children in detention have not been convicted of a crime but are awaiting trial, including together with adults,[50]

Recalling its resolution 1997/30 of 21 July 1997, in which it welcomed the Guidelines for Action on Children in the Criminal Justice System,[51] and recommended the establishment of a coordination panel on technical advice and assistance in juvenile justice,

Noting with satisfaction the work of the Inter-Agency Coordination Panel on Juvenile Justice, in particular its various publications and its website, as well as the active participation of civil society, together with United Nations agencies, in the work of the Panel,

Noting the lessons learned from technical cooperation projects in the area of juvenile justice carried out, inter alia, by the United Nations Office on Drugs and Crime,

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[46] General Assembly resolution 217 A (III).

[47] United Nations, *Treaty Series*, vol. 15777, No. 27531.

[48] General Assembly resolution 40/33, annex.

[49] A/61/299.

[50] A/61/299, paras. 61 and 63.

[51] Economic and Social Council resolution 1997/30, annex.

1. *Urges* Member States to pay particular attention to the issue of child justice and to take into consideration applicable United Nations standards and norms for the treatment of children in conflict with the law, particularly those deprived of their liberty, taking into account also the gender, social circumstances and development needs of such children;

2. *Invites* Member States to adopt, where appropriate, comprehensive national action plans on crime prevention and child justice reform containing, in particular, specific targets with regard to reducing the pre-trial detention and imprisonment of children, including through the use of diversion, restorative justice and alternatives to imprisonment and ensuring that proper detention conditions prevail;

3. *Invites* Member States and their relevant institutions to provide or offer specialized training to criminal justice officers involved in the administration of child justice, including correctional officers, police officers, prosecutors, judges and lawyers, as well as to social workers, in order to raise their awareness of and their conformity with applicable international legal instruments and, as appropriate, relevant standards and norms;

4. *Invites* Member States to make use, as appropriate, of the *Manual for the Measurement of Juvenile Justice Indicators*, prepared jointly by the United Nations Office on Drugs and Crime and the United Nations Children's Fund, and of the measures contained in the publication of the Inter-Agency Coordination Panel on Juvenile Justice entitled *Protecting the Rights of Children in Conflict with the Law*, as well as of the website of the Panel;

5. *Encourages* Member States and international funding agencies to provide adequate resources to, inter alia, the United Nations Office on Drugs and Crime to enable it to carry out technical cooperation projects in the area of child justice;

6. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, and the members of the Inter-Agency Coordination Panel on Juvenile Justice to continue providing assistance to Member States, upon request, in the area of child justice;

7. *Urges* the United Nations Office on Drugs and Crime, within its mandates, taking into consideration the recommendations of the United Nations study on violence against children,[52] to explore ways in which preventing and responding to violence against children can be incorporated into its technical cooperation activities in the area of children and the justice system, taking into account General Assembly resolution 61/146 of 19 December 2006;

8. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide technical assistance to Member States, upon request, in order to strengthen national capacities and infrastructure in the area of child justice;

9. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide technical assistance to Member States, upon request in setting up national data collection and criminal justice information systems regarding children in conflict with the law, using the *Manual for the Measurement of Juvenile Justice Indicators*;

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[52] A/61/299.

10. *Encourages* the members of the Inter-Agency Coordination Panel on Juvenile Justice to further increase their cooperation, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation;

11. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its eighteenth session, on the implementation of the present resolution.

Draft resolution VI

International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights,[53] which enshrines the key principles of equality before the law, the presumption of innocence, the right to a fair and public hearing by an independent and impartial tribunal, along with all the guarantees necessary for the defence of anyone charged with a penal offence,

Recalling also the International Covenant on Civil and Political Rights,[54] in particular article 14, which states that everyone charged with a criminal offence shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law and to minimum guarantees, including to be tried without undue delay,

Bearing in mind the Standard Minimum Rules for the Treatment of Prisoners,[55] approved in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, according to which an untried prisoner shall be allowed to receive visits from his legal adviser,

Bearing in mind also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[56] principle 11 of which states that a detained person shall have the right to be assisted by counsel as prescribed by law,

Bearing in mind further the Basic Principles for the Treatment of Prisoners[57] and the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules),[58]

Bearing in mind further the Basic Principles on the Role of Lawyers,[59] in particular principle 1, which states that all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings,

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[53] General Assembly resolution 217 A (III).

[54] General Assembly resolution 2200 A (XXI), annex.

[55] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A; and Economic and Social Council resolution 2076 (LXII).

[56] General Assembly resolution 43/173, annex.

[57] General Assembly resolution 45/111, annex.

[58] General Assembly resolution 45/110, annex.

[59] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

Recalling its resolution 1997/36 of 21 July 1997, on international cooperation for the improvement of prison conditions, in which it took note of the Kampala Declaration on Prison Conditions in Africa,[60]

Recalling also its resolution 1998/23 of 28 July 1998, on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing, in which it noted that the International Conference on Community Service Orders in Africa, held at Kadoma, Zimbabwe, from 24 to 28 November 1997, had adopted the Kadoma Declaration on Community Service,[61]

Recalling further its resolution 1999/27 of 28 July 1999, on penal reform, in which it took note of the Arusha Declaration on Good Prison Practice,[62]

Recalling further its resolution 2004/25 of 21 July 2004, on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction, and its resolution 2005/21 of 22 July 2005, on strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform,

Bearing in mind the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[63] especially paragraph 18 of the Declaration, in which Member States are called upon to take steps, in accordance with their domestic laws, to promote access to justice, to consider the provision of legal aid to those who need it and to enable the effective assertion of their rights in the criminal justice system,

Bearing in mind also its resolution 2006/21 of 27 July 2006, on the implementation of the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa, and its resolution 2006/22 of 27 July 2006, in which it welcomed the Programme of Action, 2006-2010, adopted by the Round Table for Africa, held in Abuja on 5 and 6 September 2005, in particular the actions on penal reform and alternative and restorative justice,

Having regard to the regional efforts in the promotion of basic rights of prisoners, as considered by the Pan-African Conference on Penal and Prison Reform in Africa, held in Ouagadougou from 18 to 20 September 2002, and the Latin American Conference on Penal Reform and Alternatives to Imprisonment, held in San José from 6 to 8 November 2002, and pursued by the African Union and the Organization of American States, as well as the Asian Conference on Prison Reform and Alternatives to Imprisonment, held in Dhaka from 12 to 14 December 2002,

Noting the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and Other Service Providers in Africa, held in Lilongwe from 22 to 24 November 2004,

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[60] Economic and Social Council resolution 1997/36, annex.

[61] Economic and Social Council resolution 1998/23, annex.

[62] Economic and Social Council resolution 1999/27, annex.

[63] General Assembly resolution 60/177, annex.

Taking note of the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, contained in annex I to the present resolution, and the Lilongwe Plan of Action for the implementation of the Declaration, contained in annex II to the present resolution,

Concerned at the proportion of suspects and pre-trial detainees detained for long periods of time in many African countries without being charged or sentenced and without access to legal advice or assistance,

Noting the prolonged incarceration of suspects and pre-trial detainees without providing them with access to legal aid or to the courts, and concerned that it violates the basic principles of human rights,

Recognizing that providing legal aid to suspects and prisoners may reduce the length of time suspects are held at police stations and detention centres, in addition to reducing the prison population, prison overcrowding and congestion in the courts,

Mindful that many Member States lack the necessary resources and capacity to provide legal assistance for defendants and suspects in criminal cases,

Recognizing the impact of action by civil society organizations in improving access to legal aid in criminal justice and in respecting the rights of suspects and prisoners,

1. *Notes* the progress made by Member States and the recent efforts by some in the provision of legal assistance for defendants and suspects in criminal cases;

2. *Encourages* Member States implementing criminal justice reform to promote the participation of civil society organizations in that endeavour and to cooperate with them;

3. *Commends* the initiation by the United Nations Office on Drugs and Crime of work focused on providing long-term sustainable technical assistance in the area of criminal justice reform to Member States in post-conflict situations, in particular in Africa, in cooperation with the Department of Peacekeeping Operations of the Secretariat, and the increased synergy between the two entities;

4. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, in cooperation with relevant partners, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, development of an integrated plan for the provision of legal assistance including paralegals and similar alternative schemes to provide legal aid for persons in communities, including victims, defendants and suspects at all critical stages in criminal cases, and legislative reforms that guarantee legal representation in accordance with international standards and norms;

5. *Also requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources and in cooperation with the African Institute for the Prevention of Crime and the Treatment of Offenders, to assist African States, upon request, in their efforts at applying the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa;

6. *Further requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to convene an open-ended intergovernmental meeting of experts with interpretation to study ways and means of strengthening access to legal aid in the criminal justice system, as well as the possibility of developing an instrument such as a declaration of basic principles or a set of guidelines for improving access to legal aid in criminal justice systems, taking into account the Lilongwe Declaration and other relevant materials;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to include the issue of penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems as a potential thematic topic for discussion by the Commission at one of its future sessions;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighteenth session on the implementation of the present resolution.

Annex I

Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa

At the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and Other Service Providers in Africa, held in Lilongwe from 22 to 24 November 2004, 128 delegates from 26 countries, including 21 African countries, met to discuss legal aid services in the criminal justice systems in Africa. Ministers of State, judges, lawyers, prison commissioners, academics and international, regional and national non-governmental organizations attended the Conference. The three days of deliberations produced the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa (set forth below), which was adopted by consensus at the closure of the Conference with the request that it be forwarded to Governments, the African Commission on Human and Peoples' Rights, the Commission of the African Union and the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005, and that it be publicized to national and regional legal aid networks.

Preamble

Bearing in mind that access to justice depends on the enforcement of rights to due process, to a fair hearing and to legal representation,

Recognizing that the vast majority of people affected by the criminal justice system are poor and have no resources with which to protect their rights,

Further recognizing that the vast majority of ordinary people in Africa, especially in post-conflict societies where there is no functioning criminal justice system, do not have access to legal aid or to the courts and that the principle of equal legal representation and access to the resources and protection of the criminal justice system simply does not exist as it applies to the vast majority of persons affected by the criminal justice system,

Noting that legal advice and assistance in police stations and prisons are absent. Noting also that many thousands of suspects and prisoners are detained for lengthy periods of time in overcrowded police cells and in inhumane conditions in overcrowded prisons,

Further noting that prolonged incarceration of suspects and prisoners without providing access to legal aid or to the courts violates basic principles of international law and human rights and that legal aid to suspects and prisoners has the potential to reduce the length of time suspects are held in police stations, congestion in the courts, and prison populations, thereby improving conditions of confinement and reducing the costs of criminal justice administration and incarceration,

Recalling the draft resolution on the Charter of Fundamental Rights of Prisoners, recommended by the African Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held at Addis Ababa in March 2004,[64] for endorsement by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005,

Mindful that the challenge of providing legal aid and assistance to ordinary people will require the participation of a variety of legal services providers and partnerships with a range of stakeholders and require the creation of innovative legal aid mechanisms,

Noting the 1996 Kampala Declaration on Prison Conditions in Africa,[65] the 1997 Kadoma Declaration on Community Service,[66] the Abuja Declaration on Alternatives to Imprisonment and the 2002 Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa, and mindful that similar measures are needed with respect to the provision of legal aid to prisoners,

Noting with satisfaction the resolutions passed by the African Commission on Human and Peoples' Rights, notably the resolution on the right of recourse and fair trial, adopted in 1992, and the resolution on the right to a fair trial and legal assistance, adopted in 1999, and, in particular, the 2001 Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,

Commending the practical steps that have been taken to implement these standards through the activities of the African Commission on Human and Peoples' Rights and its Special Rapporteur on Prisons and Conditions of Detention in Africa,

Commending also the recommendation of the African Regional Preparatory Meeting held at Addis Ababa in March 2004 that the African region should prepare and present an African common position to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005, and that the Commission of the African Union has agreed to prepare and present that common position to the Congress,

Welcoming the practical measures that have been taken by the Governments and legal aid establishments in African countries to apply these standards in their national jurisdictions, while emphasizing that, notwithstanding these measures, there are still considerable shortcomings in the provision of legal aid to ordinary people, which are aggravated by shortages of personnel and resources,

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[64] A/CONF.203/RPM.3/1 and Corr.1, para. 50.

[65] Economic and Social Council resolution 1997/36, annex.

[66] Economic and Social Council resolution 1998/23, annex I.

Noting with satisfaction the growing openness of Governments to forging partnerships with non-governmental organizations, civil society and the international community in developing legal aid programmes for ordinary people that will enable increasing numbers of people in Africa, especially in rural areas, to have access to justice,

Commending the recommendations of the African Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice for the introduction and strengthening of restorative justice in the criminal justice system,

The participants of the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and Other Service Providers in Africa, held in Lilongwe from 22 to 24 November 2004, hereby declare the importance of:

1. **Recognizing and supporting the right to legal aid in criminal justice**. All Governments have the primary responsibility to recognize and support basic human rights, including the provision of and access to legal aid for persons in the criminal justice system. As part of this responsibility, Governments are encouraged to adopt measures and allocate funding sufficient to ensure an effective and transparent method of delivering legal aid to the poor and vulnerable, especially women and children, and in so doing empower them to access justice. Legal aid should be defined as broadly as possible to include legal advice, assistance, representation, education and mechanisms for alternative dispute resolution and to include a wide range of stakeholders, such as non-governmental organizations, community-based organizations, religious and non-religious charitable organizations, professional bodies and associations and academic institutions;

2. **Sensitizing all criminal justice stakeholders**. Government officials, including police and prison administrators, judges, lawyers and prosecutors, should be made aware of the crucial role that legal aid plays in the development and maintenance of a just and fair criminal justice system. Since those in control of government criminal justice agencies control access to detainees and to prisoners, they should ensure that the right to legal aid is fully implemented. Government officials are encouraged to allow legal aid to be provided at police stations, in pre-trial detention facilities, in courts and in prisons. Governments should also sensitize criminal justice system administrators to the societal benefits of providing effective legal aid and the use of alternatives to imprisonment. These benefits include elimination of unnecessary detention, speedy processing of cases, fair and impartial trials and the reduction of prison populations;

3. **Providing legal aid at all stages of the criminal justice process**. A legal aid programme should include legal assistance at all stages of the criminal justice process, including investigation, arrest, pre-trial detention, bail hearings, trials, appeals and other proceedings brought to ensure that human rights are protected. Suspects, accused persons and detainees should have access to legal assistance immediately upon arrest and/or detention wherever such arrest and/or detention occurs. A person subject to criminal proceedings should never be prevented from securing legal aid and should always be granted the right to see and

consult with a lawyer, accredited paralegal or legal assistant. Governments should ensure that legal aid programmes provide special attention to persons who are detained without charge or beyond the expiration of their sentences, or who have been held in detention or in prison without access to the courts. Special attention should be given to women and other vulnerable groups, such as children, young people, the elderly, persons with disabilities, persons living with HIV/AIDS, the mentally and seriously ill, refugees, internally displaced persons and foreign nationals;

4. **Recognizing the right to redress for violations of human rights**. Human rights are enforced when government officials know that they will be held accountable for violations of the law and of basic human rights. Persons who are abused or injured by law enforcement officials or who are not afforded proper recognition of their human rights should have access to the courts and legal representation to redress their injuries and grievances. Governments should provide legal aid to persons who seek compensation for injuries suffered as the result of misconduct by officials and employees of criminal justice systems. This does not exclude other stakeholders from providing legal aid in such cases;

5. **Recognizing the role of non-formal means of conflict resolution**. Traditional and community-based alternatives to formal criminal justice processes have the potential to resolve disputes without acrimony and to restore social cohesion within the community. These mechanisms also have the potential to reduce reliance upon the police to enforce the law, to reduce congestion in the courts and to reduce the reliance upon incarceration as a means of resolving conflict based upon alleged criminal activity. All stakeholders should recognize the significance of such diversionary measures to the administration of a community-based, victim-oriented criminal justice system and should provide support for such mechanisms provided that they conform to human rights norms;

6. **Diversifying legal aid delivery systems**. Each country has different capabilities and needs when consideration is given to what kind of legal aid systems to employ. In carrying out its responsibility to provide equitable access to justice for poor and vulnerable people, there are a variety of service delivery options that can be considered. These include Government-funded public defender offices, judicare programmes, justice centres, law clinics and partnerships with civil society and faith-based organizations. Whatever options are chosen, they should be structured and funded in a way that preserves their independence and commitment to those populations most in need. Appropriate coordinating mechanisms should be established;

7. **Diversifying legal aid service providers**. It has all too often been observed that there are not enough lawyers in African countries to provide the legal aid services required by the hundreds of thousands of persons who are affected by criminal justice systems. It is also widely recognized that the only feasible way of delivering effective legal aid to the maximum number of persons is to rely on non-lawyers, including law students, paralegals and legal assistants. These paralegals and legal assistants can provide access to the justice system for persons subjected to it, assist criminal defendants and provide knowledge and training to those affected by the system that will enable rights to be effectively asserted. An effective legal aid system should employ complementary legal and law-related services by paralegals and legal assistants;

8. Encouraging pro bono provision of legal aid by lawyers. It is universally recognized that lawyers are officers of the court and have a duty to see that justice systems operate fairly and equitably. By involving a broad spectrum of the private bar in the provision of legal aid, such services will be recognized as an important duty of the legal profession. The organized bar should provide substantial moral, professional and logistical support to those providing legal aid. Where a bar association, licensing agency or Government has the option of making pro bono provision of legal aid mandatory, this step should be taken. In countries in which a mandatory pro bono requirement cannot be imposed, members of the legal profession should be strongly encouraged to provide pro bono legal aid services;

9. Guaranteeing sustainability of legal aid. Legal aid services in many African countries are donor funded and may be terminated at any time. For this reason, there is need for sustainability. Sustainability includes funding, the provision of professional services, establishment of infrastructure and the ability to satisfy the needs of the relevant community in the long term. Appropriate government, private sector and other funding and community ownership arrangements should be established in order to ensure sustainability of legal aid in every country;

10. Encouraging legal literacy. Ignorance about the law, human rights and the criminal justice system is a major problem in many African countries. People who do not know their legal rights are unable to enforce them and are subject to abuse in the criminal justice system. Governments should ensure that human rights education and legal literacy programmes are conducted in educational institutions and in non-formal sectors of society, particularly for vulnerable groups such as children, young people, women and the urban and rural poor.

Annex II

Lilongwe Plan of Action

1. The participants recommend the following measures as forming part of a Plan of Action to implement the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa.

2. The document is addressed to Governments and criminal justice practitioners, criminologists, academics and development partners, as well as non-governmental organizations, community-based organizations and faith-based groups active in this area. It is meant to be a source of inspiration for concrete action.

Legal aid framework

Institution-building

3. Governments should introduce measures:

(a) To establish a legal aid institution that is independent of government justice departments, e.g. a legal aid board/commission that is accountable to parliament;

(b) To diversify legal aid service providers, adopting an inclusive approach, and enter into agreements with the law society as well as with university law clinics, non-governmental organizations, community-based organizations and faith-based groups to provide legal aid services;

(c) To encourage lawyers to provide pro bono legal aid services as an ethical duty;

(d) To establish a legal aid fund to administer public defender schemes, to support university law clinics and to sponsor clusters of non-governmental organizations and community-based organizations and others to provide legal aid services throughout the country, especially in the rural areas;

(e) To agree minimum quality standards for legal aid services and clarify the role of paralegals and other service providers by:

(i) Developing standardized training programmes;

(ii) Monitoring and evaluating the work of paralegals and other service providers;

(iii) Requiring all paralegals operating in the criminal justice system to submit to a code of conduct;

(iv) Establishing effective referral mechanisms to lawyers for all these service providers.

Public awareness

4. Governments should introduce measures:

(a) To incorporate human rights and "rule of law" topics in national educational curricula in accordance with the requirements of the United Nations Decade for Human Rights Education;

(b) To develop a national media campaign focusing on legal literacy in consultation with civil society organizations and media groups;

(c) To sensitize the public and justice agencies on the broadened definition of legal aid and the role that all service providers have to play (through television, radio, the printed media, seminars and workshops);

(d) To institute one day a year as "Legal Aid Day".

Legislation

5. Governments should:

(a) Enact legislation to promote the right of everyone to basic legal advice, assistance and education, especially for victims of crime and vulnerable groups;

(b) Enact legislation to establish an independent national legal aid institution accountable to parliament and protected from executive interference;

(c) Enact legislation to ensure the provision of legal aid at all stages of the criminal justice process;

(d) Enact legislation to recognize the role of non-lawyers and paralegals and to clarify their duties;

(e) Enact legislation to recognize customary law and the role non-State justice forums can play in appropriate cases (i.e. where cases are diverted from the formal criminal justice process).

Sustainability

6. Governments should introduce measures:

(a) To diversify the funding base of legal aid institutions that should be primarily funded by Governments, to include endowment funds by donors, companies and communities;

(b) To identify fiscal mechanisms for channelling funds to the legal aid fund, such as:

(i) Recovering costs in civil legal aid cases where the legal aid litigant has been awarded costs in a matter and channelling such recovered costs into the legal aid fund;

(ii) Taxing any award made in civil legal aid cases and channelling the moneys paid into the legal aid fund;

(iii) Fixing a percentage of the State's criminal justice budget to be allocated to legal aid services;

(c) To identify incentives for lawyers to work in rural areas (e.g. tax exemptions or reductions);

(d) To require all law students to participate in a legal aid clinic or other legal aid community service scheme as part of their professional or national service requirement;

(e) To request the law society to organize regular circuits of lawyers around the country to provide free legal advice and assistance;

(f) To promote partnerships with non-governmental organizations, community-based organizations, faith-based groups and, where appropriate, local councils.

Legal aid in action

In the police station

7. Governments should introduce measures:

(a) To provide legal and/or paralegal services in police stations in consultation with the police service, the law society, university law clinics and non-governmental organizations. These services might include:

(i) Providing general advice and assistance at the police station to victims of crime as well as accused persons;

(ii) Visiting police cells or lock-ups (*cachots*);

(iii) Monitoring custody time limits in the police station after which a person must be produced before the court;

(iv) Attending at police interview;

(v) Screening juveniles for possible diversion programmes;

(vi) Contacting or tracing parents, guardians or sureties;

(vii) Assisting with bail from the police station;

(b) To require the police to cooperate with service providers and advertise these services and how to access them in each police station.

At court

8. Governments should introduce measures:

(a) To draw up rosters for lawyers to attend court on fixed days in consultation with the law society and provide services free of charge;

(b) To encourage the judiciary to take a more proactive role in ensuring the defendant is provided with legal aid and able to put his or her case where the person is unrepresented because of indigency;

(c) To promote the wider use of alternative dispute resolution and diversion of criminal cases and encourage the judiciary to consider such options as a first step in all matters;

(d) To encourage non-lawyers, paralegals and victim support agencies to provide basic advice and assistance and to conduct regular observations of trial proceedings;

(e) To conduct regular case reviews to clear case backlogs and petty cases and refer and/or divert appropriate cases for mediation and convene regular meetings of all criminal justice agencies to find local solutions to local problems.

In prison

9. Governments should introduce measures to ensure that:

(a) Magistrates/judges screen the remand caseload on a regular basis to make sure that people are remanded lawfully, that their cases are being expedited and that they are held appropriately;

(b) Prison officers, judicial officers, lawyers, paralegals and non-lawyers conduct periodic census to determine who is in prison and whether they are there as a first rather than a last resort;

(c) Custody time limits are enacted;

(d) Paralegal services are established in prisons. Services should include:

(i) Legal education of prisoners so as to allow them to understand the law process and apply this learning in their own case;

(ii) Assistance with bail and the identification of potential sureties;

(iii) Assistance with appeals;

(iv) Special assistance to vulnerable groups, especially to women, women with babies, young persons, refugees and foreign nationals, the aged, the terminally and mentally ill etc.;

(e) Access to prisons for responsible non-governmental organizations, community-based organizations and faith-based groups is not subject to unnecessary bureaucratic obstacles.

In the village

10. Governments should introduce measures:

(a) To encourage non-governmental organizations, community-based organizations and faith-based groups to train local leaders on the law and constitution and in particular the rights of women and children, and in mediation and other alternative dispute resolution procedures;

(b) To establish referral mechanisms between the court and village hearings. Such mechanisms might include:

(i) Diversion from the court to the village for the offender to make an apology or engage in a victim-offender mediation;

(ii) Referral from the court to the village to make restitution and/or offer compensation;

(iii) Appeals from the village to the court;

(c) To establish a chief's council, or similar body of traditional leaders, in order to provide greater consistency in traditional approaches to justice;

(d) To record traditional proceedings and provide village hearings ("courts") with the tools for documenting proceedings;

(e) To provide a voice for women in traditional proceedings;

(f) To include customary law in the training of lawyers.

In post-conflict societies

11. Governments should introduce measures:

(a) To recruit judges, prosecutors, defence lawyers, police and prison officers in peacekeeping operations and programmes of national reconstruction;

(b) To include the services of national non-governmental organizations, community-based organizations and faith-based groups in the re-establishment of the criminal justice system, especially where the need for speed is paramount;

(c) To consult with traditional, religious and community leaders and identify common values on which peacekeeping should be based.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I

Report of the Commission on Crime Prevention and Criminal Justice on its sixteenth session and provisional agenda and documentation for its seventeenth session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its sixteenth session;

(b) Decides that the prominent theme for the seventeenth session of the Commission will be "aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice";

(c) Approves the provisional agenda and documentation for the seventeenth session set out below on the understanding that the provisional agenda, in particular the topic for the thematic discussion, will be elaborated upon during the intersessional period.

Provisional agenda and documentation for the seventeenth session of the Commission on Crime Prevention and Criminal Justice

A. Provisional agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Thematic discussion on aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice.
4. World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:
   (a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime;
   (b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption;
   (c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism;
   (d) Other activities in support of the work of the United Nations Office on Drugs and Crime.
5. United Nations congresses on crime prevention and criminal justice:
   (a) Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;

(b) Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

6. Use and application of United Nations standards and norms in crime prevention and criminal justice.

7. Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions.

8. Provisional agenda for the eighteenth session.

9. Other business.

10. Adoption of the report of the Commission on its seventeenth session.

B. Documentation

1. Election of officers

2. Adoption of the agenda and organization of work

Documentation

Provisional agenda, annotations and proposed organization of work

3. Thematic discussion on aspects of violence that pertain directly to the Commission on Crime Prevention and Criminal Justice

Documentation

Note by the Secretariat (as required)

Report of the Secretary-General on crime prevention and criminal justice responses to violence against women and girls

Report of the Executive Director on the implementation of Commission on Crime Prevention and Criminal Justice resolution 16/2, entitled "Effective crime prevention and criminal justice responses to combat sexual exploitation of children"

4. World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice

Documentation

Report of the Executive Director

Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption

Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism

Report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking

Note by the Secretariat (as required)

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

Report of the Secretary-General on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources

Report of the Executive Director on the implementation of Commission on Crime Prevention and Criminal Justice decision 16/1, entitled "Global initiative to fight human trafficking"

Report of the Executive Director on the implementation of Commission on Crime Prevention and Criminal Justice resolution 16/2, entitled "Effective crime prevention and criminal justice responses to combat sexual exploitation of children"

5. United Nations congresses on crime prevention and criminal justice:

   (a) Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;

   (b) Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

Report of the Secretary-General on the follow-up to General Assembly resolution 62/[...], entitled "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice"

6. Use and application of United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice

Report of the Secretary-General on strengthening basic principles of judicial conduct

Report of the Secretary-General on guidelines on justice for child victims and witnesses of crime

Report of the Executive Director on the implementation of the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa

Report of the Secretary-General on providing technical assistance for prison reform in Africa and the development of viable alternatives to imprisonment

Report of the Secretary-General on strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction

Report of the Secretary-General on crime prevention and criminal justice responses to violence against women and girls

7. Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions.

Documentation

Note by the Secretary-General transmitting the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

8. Provisional agenda for the eighteenth session of the Commission.

9. Other business.

10. Adoption of the report of the Commission on its seventeenth session.

Draft decision II

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its sixteenth session, of Iskander Ghattas (Egypt) and Željko Horvatić (Croatia) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

Draft decision III

Topic for the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008

The Economic and Social Council:

(a) Takes note of General Assembly resolution 61/143 of 19 December 2006, in particular paragraph 17 of that resolution, in which the Assembly invited a number of United Nations bodies, including the Economic and Social Council and its functional commissions, to discuss, by 2008, within their respective mandates, the question of violence against women in all its forms and manifestations, bearing in mind the recommendations contained in the report of the Secretary-General on the in-depth study on all forms of violence against women,[67] and to set priorities for addressing that issue in their future efforts and work programmes and to transmit the outcome of the discussions to the Secretary-General;

(b) Decides that the topic for the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008, shall be the aspects of violence against women that pertain directly to the Commission and that those aspects shall be elaborated upon during the intersessional period, and requests the United Nations Office on Drugs and Crime to prepare information to guide member States of the Commission in their deliberations.

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[67] A/61/122 and Add.1 and Corr.1.

D. Matters brought to the attention of the Economic and Social Council

4. The following resolutions and decisions adopted by the Commission are brought to the attention of the Economic and Social Council:

Resolution 16/1

International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources

The Commission on Crime Prevention and Criminal Justice,

Recalling Economic and Social Council resolutions 2001/12 of 24 July 2001 and 2003/27 of 22 July 2003, concerning illicit trafficking in protected species of wild flora and fauna, and resolutions 2000/35 of 18 October 2000 and 2006/49 of 28 July 2006, concerning the international arrangement on forests,

Recognizing the complementary interests of the Commission on Crime Prevention and Criminal Justice, in combating transnational organized crime, and the United Nations Forum on Forests, in promoting sustainable forest management, with respect to forest law enforcement and governance, and wishing to enhance synergies between the two bodies in that regard,

Aware that forest products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws are the object of illicit international trafficking, and concerned that such activities have an adverse environmental, social and economic impact in many countries,

Also aware that illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, is often perpetrated by individuals and groups, including organized criminal groups that may operate transnationally and that may also be engaged in other illicit activities, and convinced that international cooperation and mutual legal assistance can help prevent, combat and eradicate such trafficking,

Recognizing the important potential role in this regard of the United Nations Office on Drugs and Crime, the United Nations Convention against Transnational Organized Crime[68] and the United Nations Convention against Corruption,[69]

1. *Strongly encourages* Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating illicit international trafficking in forest

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[68] General Assembly resolution 55/25, annex I.

[69] General Assembly resolution 58/4, annex.

products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws;

2. *Strongly encourages* Member States to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate such illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, where appropriate, through the use of international legal instruments such as the United Nations Convention against Transnational Organized Crime[70] and the United Nations Convention against Corruption;[71]

3. *Encourages* Member States to provide information to the United Nations Office on Drugs and Crime regarding their use of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption for those purposes and to share that information with interested Member States with a view to identifying the areas and scope of such cooperation;

4. *Urges* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to invite interested Member States to an open-ended meeting of an expert group:

(a) To exchange information, including law enforcement information, on individuals and groups, including organized criminal groups, and their activities involving illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, as well as on domestic regulations and forest law enforcement;

(b) To identify ways of improving national capabilities to prevent and combat such trafficking;

(c) To identify the needs of Member States for international cooperation and/or technical assistance in order to enhance national capabilities to prevent and combat such trafficking;

5. *Requests* the secretariats of the Commission on Crime Prevention and Criminal Justice and the United Nations Forum on Forests to exchange relevant information on matters related to forest law enforcement and governance and explore ways, as appropriate, to increase synergies;

6. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its seventeenth session.

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[70] General Assembly resolution 55/25, annex I.

[71] General Assembly resolution 58/4, annex.

Resolution 16/2

Effective crime prevention and criminal justice responses to combat sexual exploitation of children

The Commission on Crime Prevention and Criminal Justice,

Reaffirming the obligations of all States to promote and protect the human rights of children and recalling relevant and applicable human rights instruments in that regard,

Recalling the Convention on the Rights of the Child[72] and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[73]

Recalling the United Nations Convention against Transnational Organized Crime[74] and in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[75]

Recalling the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children,[76] held at Stockholm in 1996, and the Yokohama Global Commitment 2001,[77] adopted at the Second World Congress against Commercial Sexual Exploitation of Children, held at Yokohama, Japan, in 2001,

Recalling General Assembly resolution 50/145 of 21 December 1995, entitled "Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", in which the Assembly endorsed the resolutions adopted by the Ninth Congress, including its resolution 7 of 7 May 1995 on children as victims and perpetrators of crime and the United Nations criminal justice programme,[78]

Recalling General Assembly resolution 58/137 of 22 December 2003, entitled "Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking", and resolution 61/180 of 20 December 2006, entitled "Improving the coordination of efforts against trafficking in persons",

Recalling General Assembly resolution 61/146 of 19 December 2006, entitled "Rights of the child", in which the Assembly drew attention to the need to address conditions conducive to the spread of sexual exploitation of children,

Recalling Economic and Social Council resolution 2002/14 of 24 July 2002, entitled "Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children", and resolution 2006/27 of

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[72] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[73] Ibid., vol. 2171, No. 27531.

[74] General Assembly resolution 55/25, annex I.

[75] General Assembly resolution 55/25, annex II.

[76] A/51/385, annex.

[77] A/S-27/12, annex.

[78] See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995*, chap. I (A/CONF.169/16).

27 July 2006, entitled "Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking",

Recalling the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182),[79]

Taking note of the report of the independent expert for the United Nations study on violence against children,[80]

Noting with appreciation the mandate and work of the Special Rapporteur on the sale of children, child prostitution and child pornography,

Taking note of the Council of Europe Convention on Cybercrime[81] and instruments addressing sexual exploitation of children,

Recognizing that sexual exploitation of children through sexually explicit images of children is a growing international problem, which not only severely harms children when offenders produce and circulate those images but also is linked to other sexual exploitation offences against children,

Recognizing that sexual exploitation of children, including the victimization of children through prostitution, as well as child sex trafficking and child sex tourism, where offenders travel to other countries to engage in criminal sexual conduct with children, is also a growing international problem,

Recognizing that child sexual exploitation is frequently exacerbated during humanitarian crises,

Recognizing that the design and implementation of prevention and response measures should take into account the best interests of the child,

Concerned that sexually exploited or abused children are vulnerable to and at greater risk of contracting HIV/AIDS and other infections and diseases, as well as suffering psychological damage,

Aware that the elimination of sexual exploitation of children will be facilitated by adopting a holistic and multidisciplinary approach, including crime prevention and a criminal justice response,

Convinced of the urgent need for broad and concerted international, regional and subregional cooperation among all Member States, employing a multidisciplinary, balanced and global approach, including adequate technical assistance, in order to prevent and combat sexual abuse or exploitation of children,

Welcoming efforts of Member States to raise awareness concerning sexual exploitation of children in its various forms,

Convinced that civil society, including non-governmental organizations, also plays an important role in raising awareness and in contributing to the reduction of sexual exploitation of children,

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[79] United Nations, *Treaty Series*, vol. 2133, No. 37245.

[80] A/61/299.

[81] Council of Europe, *European Treaty Series*, No. 185.

Noting the thematic discussion on effective crime prevention and criminal justice responses to combat sexual exploitation of children, held by the Commission on Crime Prevention and Criminal Justice at its sixteenth session,

1. *Condemns* all forms of sexual exploitation of children;

2. *Urges* Member States to combat the demand that fosters child sexual exploitation and abuse;

3. *Urges* Member States that have not already done so to consider becoming parties to the Convention on the Rights of the Child[82] and the Optional Protocol to that Convention on the sale of children, child prostitution and child pornography,[83] and urges States parties to fully implement those instruments;

4. *Urges* Member States to adopt legal measures, consistent with their national legislation and relevant international instruments:

(a) To ensure that national legislation defines a "child" as a person under 18 years of age, for the purposes of child sexual exploitation offences;

(b) To effectively criminalize, prosecute and punish all aspects of sexual exploitation of children;

(c) To combat recidivism by promoting appropriate forms of treatment and follow-up for offenders;

(d) To enable them to submit to justice or, when appropriate, extradite persons under their jurisdiction for child sexual exploitation crimes and child sex tourism, committed in other countries, enabling those serious crimes to be prosecuted in offenders' countries of origin, if they do not already have such legislation;

5. *Urges* Member States to be aware that, during humanitarian crises, children are particularly vulnerable to sexual exploitation;

6. *Urges* Member States:

(a) To raise awareness, especially through training, among criminal justice officials and others, as appropriate, of the breadth and scope of the child sexual exploitation problem with a view to enhancing Member States' ability to prevent sexual exploitation of children and to detect, investigate and prosecute offenders;

(b) To prevent and combat sexual exploitation and sexual abuse of children by encouraging awareness of child sexual exploitation and sexual abuse among society at large and among people working with children;

7. *Invites* Member States to take appropriate measures, consistent with their international obligations and national legislation, to prevent and make efforts to eliminate the use of mass media and information technologies, including the Internet, to facilitate or to commit child sexual exploitation offences;

8. *Invites* Member States to consider the provision of technical assistance to strengthen the capacity of law enforcement authorities worldwide to combat sexual exploitation of children;

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[82] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[83] Ibid., vol. 2171, No. 27531.

9. *Encourages* Member States to consider the link between conduct involving sexually explicit images of children, including possession of those images, and other child sexual exploitation offences;

10. *Invites* Member States to take appropriate measures to ensure that victims of child sexual exploitation receive adequate protection and support during the investigation and prosecution of crimes involving their victimization so as to minimize the impact on them of the investigative and legal process, and to assist victims in their recovery;

11. *Encourages* Member States to strengthen legal, policy and other measures for reducing sexually abused or exploited children's vulnerability to and greater risk of contracting HIV/AIDS and other infections and diseases, as well as suffering psychological damage, through the elimination of all forms of child sexual exploitation;

12. *Encourages* Member States, consistent with their national legislation and their mutual legal assistance and extradition treaties, to handle effectively and expeditiously requests for mutual legal assistance and extradition relating to crimes involving sexual exploitation of children;

13. *Encourages* Member States to collaborate with a view to preventing and combating child sexual exploitation through:

(a) Improved cooperation to assist in the investigation, with the consent of the requested State, of committed offences where relevant evidence is located abroad, particularly with a view to fostering the exchange of information concerning those offences;

(b) Information campaigns on child sexual exploitation, emphasizing the worldwide scope of the problem and the need for an effective international response;

14. *Invites* Member States to set up mechanisms for coordination, collaboration and support among governmental and non-governmental organizations addressing sexual exploitation of children and to improve those mechanisms where they already exist;

15. *Invites* Member States to work closely with relevant members of the private sector, such as financial institutions, the travel industry and others who may become aware of suspected child sexual exploitation offences, in order to ensure that those suspected offences are reported to law enforcement authorities and investigated;

16. *Encourages* Member States to work closely with Internet service providers to provide appropriate information to law enforcement authorities concerning suspected child exploitation offences, consistent with national legislation, in order to ensure that those suspected offences are investigated;

17. *Requests* the United Nations Office on Drugs and Crime to explore ways and means, within its mandate and subject to extrabudgetary resources, taking into account, inter alia, work done on this issue by other agencies and bodies in the United Nations system, by which it can contribute to effective crime prevention and criminal justice responses to combating sexual exploitation of children;

18. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice at its eighteenth session.

Resolution 16/3

Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution 61/252, section XI, of 22 December 2006, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body", in which the Assembly authorized the Commission, as the principal United Nations policymaking body on crime prevention and criminal justice issues, to approve, on the basis of the proposals of the Executive Director of the United Nations Office on Drugs and Crime, bearing in mind the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions, the budget of the United Nations Crime Prevention and Criminal Justice Fund, including its administrative and programme support costs budget, other than expenditures borne by the regular budget of the United Nations, without prejudice to the powers of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, as provided for in that Convention,[84] and to the powers of the Conference of the States Parties to the United Nations Convention against Corruption, as provided for in that Convention,[85]

Recalling also that the General Assembly, in section XI of its resolution 61/252, requested the Advisory Committee on Administrative and Budgetary Questions to submit its comments and recommendations on the biennial consolidated budget for the United Nations Office on Drugs and Crime to the Commission on Crime Prevention and Criminal Justice,

Recalling further that the General Assembly, in section XI of its resolution 61/252, requested the Commission on Crime Prevention and Criminal Justice to report to it at its sixty-second session, through the Economic and Social Council, on the ways in which it planned to carry out the administrative and financial functions,

Recalling further that the General Assembly, in section XI of its resolution 61/252, requested the Secretary-General to promulgate financial rules for the United Nations Crime Prevention and Criminal Justice Fund, in accordance with the Financial Regulations and Rules of the United Nations,[86]

Recalling further that the General Assembly, in section XI of its resolution 61/252, decided that, notwithstanding regulations 6.1 and 6.5 of the

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[84] General Assembly resolution 55/25, annex I.

[85] General Assembly resolution 58/4, annex.

[86] ST/SGB/2003/7.

Financial Regulations of the United Nations, the Executive Director of the United Nations Office on Drugs and Crime should maintain the accounts of the Fund and should be responsible for submitting those accounts and related financial statements, no later than 31 March following the end of the financial period, to the Board of Auditors and for submitting financial reports to the Commission on Crime Prevention and Criminal Justice and to the Assembly,

Bearing in mind Economic and Social Council resolution 2003/31 of 22 July 2003, entitled "Functioning of the Commission on Crime Prevention and Criminal Justice",

1. *Decides* to hold a reconvened session immediately following the reconvened session of the Commission on Narcotic Drugs, in odd-numbered years, to consider the budget of the United Nations Crime Prevention and Criminal Justice Fund, including its administrative and programme support costs budget, commencing in 2007;

2. *Also decides* on the following budget cycle for the United Nations Crime Prevention and Criminal Justice Fund, starting in 2007:

(a) The submission of the consolidated budget for the biennium 2008-2009 to the Commission on Crime Prevention and Criminal Justice at a reconvened biennial session, to be held in November 2007;

(b) The submission of the consolidated budget for the biennium 2010-2011 to the Commission at a reconvened session, to be held in November or December 2009;

3. *Decides* that the members of the bureau for its sixteenth session shall remain in office until the end of its reconvened sixteenth session, when it shall elect the members of the bureau for its seventeenth session.

Resolution 16/4

Budget outline for the biennium 2008-2009 for the United Nations Crime Prevention and Criminal Justice Fund

The Commission on Crime Prevention and Criminal Justice,

Exercising the administrative and financial functions entrusted to it by the General Assembly in section XI of its resolution 61/252 of 22 December 2006,

Having considered the report of the Executive Director on the outline of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime,[87] and the related recommendations of the Advisory Committee on Administrative and Budgetary Questions,[88]

1. *Notes* that the budget outline is a preliminary estimate of resources;

2. *Decides* that the proposed consolidated budget for the biennium 2008-2009 shall contain provisions for recosting on the basis of the existing methodology;

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[87] E/CN.7/2007/12-E/CN.15/2007/15.

[88] E/CN.7/2007/13-E/CN.15/2007/13.

3. *Agrees* with the following preliminary indicative estimates for the proposed consolidated budget for the biennium 2008-2009:

Item	*United States dollars*
A. Programmes	
By theme	
Research, analysis and advocacy	704 000
Services for policymaking and treaty adherence	8 456 000
Technical assistance and advice	57 909 000
Total, A	**67 069 000**
By region	
Africa and the Middle East	32 262 000
South Asia, East Asia and the Pacific	1 961 000
West and Central Asia	11 285 000
Central and Eastern Europe	1 423 000
Latin America and the Caribbean	5 770 000
Global[a]	14 368 000
Total, A	**67 069 000**
B. Infrastructure	
Field offices	5 480 000
Headquarters	2 903 000
Agencies	1 385 000
Total, B	**9 768 000**
Grand total (A+B)	**76 837 000**

[a] Includes all core programmes at headquarters.

4. *Requests* the Executive Director to submit to it at its reconvened sixteenth session a proposed consolidated budget for the biennium 2008-2009 based on the above figures;

5. *Also requests* the Executive Director to prepare the consolidated budget for the biennium 2008-2009, as well as for the biennium 2010-2011, for the United Nations Office on Drugs and Crime based on, inter alia, the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, as approved in the draft resolution entitled "Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime", to be adopted by the Economic and Social Council;

6. *Requests* the presentation of the consolidated budget for the biennium 2008-2009, taking fully into account the recommendations contained in paragraph 4 of the report of the Advisory Committee on Administrative and Budgetary Questions;[89]

7. *Invites* the Advisory Committee on Administrative and Budgetary Questions to consider problems associated to the presentation of the consolidated budget in those programmes financed partially through the regular budget, with the

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[89] E/CN.7/2007/13-E/CN.15/2007/13.

aim of facilitating comparison with their respective sections in the regular programme budget of the United Nations.

Resolution 16/5

Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors

The Commission on Crime Prevention and Criminal Justice,

Stressing the important role that law enforcement and criminal justice professionals, in particular prosecutors, should play in the implementation of the United Nations Convention against Transnational Organized Crime[90] and the Protocols thereto,[91] the United Nations Convention against Corruption[92] and the universal conventions and protocols relating to terrorism,

Emphasizing the significance of international cooperation in criminal matters, to which prosecutors can make a major contribution,

Aware of the outcome of the second World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, held in Doha, Qatar, from 14 to 16 November 2005,

1. *Welcomes* the initiative of Romania to act as host to the third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, to be held in Bucharest in 2008;

2. *Requests* the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to assist the Government of Romania in focusing the theme and controlling the quality of the preparations for the third Summit;

3. *Invites* the third Summit to ensure that its programme is targeted to further strengthen international cooperation in criminal matters, as appropriate, taking into account the crucial role of prosecutors in enhancing such cooperation under the rule of law;

4. *Encourages* the third Summit to use its conclusions and recommendations as an opportunity to make a substantive contribution to the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption and to assist the United Nations Office on Drugs and Crime in its mandated work in the area of fighting terrorism;

5. *Invites* the Executive Director of the United Nations Office on Drugs and Crime to bring to the attention of the Commission on Crime Prevention and Criminal Justice the conclusions and recommendations of the third Summit and the results of paragraph 4 above.

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[90] General Assembly resolution 55/25, annex I.

[91] General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

[92] General Assembly resolution 58/4, annex.

Decision 16/1

Global initiative to fight human trafficking

The Commission on Crime Prevention and Criminal Justice, stressing the utmost importance of international cooperation against trafficking in persons and welcoming the efforts of the United Nations Office on Drugs and Crime in fighting that form of crime, welcoming in this regard the Global Initiative to Fight Human Trafficking, and expressing its appreciation for the financial contribution of the United Arab Emirates, welcoming also the participation of relevant regional and international organizations and private sector and civil society entities in the Global Initiative to Fight Human Trafficking, stressing the importance of the full involvement of Member States in the Global Initiative to Fight Human Trafficking, and stressing also the role of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in improving the capacity of States parties to combat transnational organized crime and in promoting and reviewing implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:[93]

(a) Decides that the Global Initiative to Fight Human Trafficking should be guided by Member States;

(b) Decides also that the Commission on Crime Prevention and Criminal Justice shall take a decision on the political aspects of the proposed November 2007 event on the Global Initiative to Fight Human Trafficking, with particular emphasis on its preparatory process, form and possible outcome;

(c) Requests its Chairman to hold informal open-ended intergovernmental consultations and to report to it at one of its intersessional meetings before July 2007 on the outcome of the consultations, in order for it to take the decision referred to in paragraph 2 above;

(d) Requests the Executive Director of the United Nations Office on Drugs and Crime to report to it at its seventeenth session and to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fourth session, on the implementation of the present decision.

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[93] General Assembly resolution 55/25, annexes I and II.

Chapter II

Thematic discussions on crime prevention and criminal justice responses to urban crime, including gang-related activities, and on effective crime prevention and criminal justice responses to combat sexual exploitation of children

5. At its 3rd meeting, on 24 April 2007, the Commission on Crime Prevention and Criminal Justice observed a minute of silence in memory of the late Boris Nikolayevich Yeltsin, former President of the Russian Federation. Following the minute of silence, the representative of the Russian Federation made a statement.

6. At its 3rd to 6th meetings, on 24 and 25 April 2007, the Commission considered agenda item 3, which read as follows:

> "Thematic discussions:
>
> "(a) Crime prevention and criminal justice responses to urban crime, including gang-related activities:
>
> "(i) Preventive measures, including community-based responses;
>
> "(ii) Criminal justice responses, including international cooperation;
>
> "(b) Effective crime prevention and criminal justice responses to combat sexual exploitation of children; sharing of successful practices to combat sexual exploitation of children through:
>
> "(i) Crime prevention responses;
>
> "(ii) Criminal justice responses;
>
> "(iii) International cooperation."

7. The Commission had before it a conference room paper prepared by the Secretariat on crime prevention and criminal justice responses to urban crime, including gang-related activities, and effective crime prevention and criminal justice responses to combat sexual exploitation of children (E/CN.7/2007/CRP.3).

8. The thematic discussion was chaired by the Third Vice-Chairman and led by the following panellists: for sub-item (a), Radim Bureš (Czech Republic), Mary-Anne Kirvan (Canada), A. N. Roy (India) and Hiroshi Kikuchi (Japan); for sub-item (b), Paul Almanza (United States of America) and Carol Ndaguba (Nigeria). The independent expert for the United Nations study on violence against children, Paulo Sérgio Pinheiro, made an introductory statement on sub-item (b).

9. The Director of the Division for Operations of the United Nations Office on Drugs and Crime (UNODC) made an introductory statement. The Commission heard statements by the representatives of China, Chile, the Islamic Republic of Iran, Pakistan, the United Kingdom of Great Britain and Northern Ireland, Canada, the United States of America, the Republic of Korea, Ukraine and Italy. Statements were also made by the observers for Poland, the Dominican Republic, Norway, Sweden, Finland, Algeria, the Bolivarian Republic of Venezuela, Greece, Switzerland, Belarus, Azerbaijan, Australia, Belgium, France, Egypt and Cuba. The

observer for the Holy See also made a statement. Statements were also made by the observers for the United Nations Human Settlement Programme (UN-Habitat), the Japan Federation of Bar Associations, IUS PRIMI VIRI International Association, the World Society of Victimology and the International Commission of Catholic Prison Pastoral Care.

A. Deliberations

Sub-item (a). Crime prevention and criminal justice responses to urban crime, including gang-related activities: preventive measures, including community based responses; and criminal justice responses, including international cooperation

10. In his introductory statement, the Director of the Division for Operations described crime prevention and criminal justice responses to urban crime as issues embedded in the greater challenge of human security, with its critical linkage to development.

11. The first panellist outlined the experiences of the Czech Republic in urban crime prevention in the past decade. He noted that in 1996 the Government of the Czech Republic had started a crime prevention programme called Partnership to assist the neediest local municipalities in the country in starting up projects to prevent and reduce crime. The Government was responsible for supporting crime prevention on a local level via grants with participating municipalities contributing both financial resources and human resources. He stated that some 130 municipalities had participated in the Partnership programme since its inception. The Partnership programme required participating municipalities to use crime audits as the key tool for determining facts regarding the nature and scope of the crime problem, including the locales where crimes were committed and the social groups committing them, in order to develop an effective crime prevention programme. Citizens must be consulted regarding their fears and opinions concerning crime, and potential community partners must be identified, including specific public services, the business sector and non-governmental associations. He noted that crime prevention needed to receive targeted publicity in order to ensure that crime prevention work was publicized and crime prevention became part of public discourse. In addition, municipal councils must make a political commitment to engage in a crime prevention programme, appoint a crime prevention manager, participate in training and create a crime prevention programme that would maintain a balance between situational and social prevention. Once the general crime prevention strategy had been implemented and had become part of local policy, local initiatives would be supported and developed. Municipalities participating in the Partnership programme had experienced a drop in their crime rates that was twice that experienced nationwide. The lessons learned through the Partnership programme included the following: it was important to have a transparent grant system, evidenced by a lack of complaints about preferential grant-making; there was a need for clear leadership for successful crime prevention programmes, and city councils often provided that leadership; the framework of support provided to municipalities resulted in their developing effective crime prevention policies; successful initiatives were human-resource-intensive; and the most effective crime prevention activities were those that targeted specific locales or people. The

panellist emphasized the need for exchanging experiences and networking to enhance the sustainability of local crime prevention programmes and noted the benefits of regional and international crime prevention networks including the European Crime Prevention Network and the European Forum for Urban Safety. Finally, the panellist urged adherence to the relevant Economic and Social Council resolutions in developing effective crime prevention programmes.

12. The second panellist made a presentation on the safety audit as an effective tool in reducing urban crime. She stated that a systematic analysis should be conducted to gain an understanding of crime and victimization-related issues in urban areas. She noted that a safety audit included: an overview of the demographic, economic and other characteristics of the city; an analysis of crime and violence, its scale and distribution; profiles of victims and offenders, including their age, gender and ethno-cultural and socio-economic factors; patterns of risk factors likely to lead to crime; an appraisal of the effectiveness of current services and projects, including housing, health and education; and identification of assets, strengths and opportunities. An effective audit, one that had been conducted in a process that was transparent, thorough and inclusive, created a knowledge base of a city essential for informing action and choice of responses, served as a baseline to measure changes and guided the setting of priorities and goals for individual criminal offences, specific locations, certain population groups and particular risk factors. The panellist noted the relevance of safety audits as an important tool for the crime programme of UNODC in forming crime prevention and criminal justice responses to crime in urban centres, in fostering information sharing and integrated action both within criminal justice (that is, youth and adult justice, law enforcement and corrections) and with other relevant sectors such as health, education, housing, urban governance and development. The safety audit approach, which was applicable to all types of crime, including organized and transnational crime, focused on the most vulnerable populations and supported the coordinated involvement of diverse stakeholders. The generated baseline information could be used to support other United Nations goals of development, human rights and urban governance. Use of safety audits had become widespread internationally and was a core element of the Safer Cities Programme of UN-Habitat. Safety audits enabled analysis and understanding of the complexity of urban crime issues and allowed the development of the integrated comprehensive responses needed to effectively respond to them. The panellist also noted the development of a new, non-prescriptive tool drawing on consolidating international experience: *Guidance on Local Safety Audits: a Compendium of International Practice*, coordinated by the Government of Canada and the European Forum for Urban Security.

13. The third panellist shared the challenges encountered in policing a mega-city, Mumbai. The panellist noted the connection between organized crime elements and terrorist activity and noted the effectiveness of comprehensive, multidisciplinary legislative frameworks in confronting organized crime within the borders of India. The panellist urged the Commission to develop a plan of action for: the creation of a comprehensive legal instrument for expediting processes and mechanisms for making persons accused of crimes against humanity, terrorist activity or organized crime available to the State where the person committed the crime for purposes of investigation and trial; the development of effective measures to prevent and detect the forgery of identity documents or passports; the establishment of a single central entity for facilitating law enforcement cooperation; the undertaking of work on a

convention to facilitate the marking and tracking of explosives in the same manner as small arms; the lifting of banking secrecy norms where it could be established prima facie that funds were derived from organized crime or terrorist activity. The panellist also noted the success of the slum police collective, a community-police partnership focusing on dispute resolution that had reduced crime, especially serious offences, affecting residents of slums in Mumbai, and that other cities in India and elsewhere had replicated the model.

14. The fourth panellist described the experiences of Tokyo, another mega-city, in confronting a sudden increase in the crime rate and crime committed by youth and by gangs, as well as crime prevention efforts in Japan. The panellist stated that, after three decades of relatively static crime rates in Japan, there had been a dramatic increase in the crime rate from 1998 to 2002. The Government had responded with an action plan to restore public security; as a result, the crime rate had decreased for the past three years. Criminal offences committed by groups of juveniles were increasing, while criminal activity by large-scale organized gangs of juveniles was decreasing. After noting the rate of recidivism for juveniles released from training schools, the Government had started a system of support programmes for juveniles to assist in their reintegration, including by helping them to find places to live, employment or schooling. The Government had also supported a coordinated initiative involving the police, retail stores and schools to deter shoplifting by young people. It was noted that the urban crime problems of Tokyo included drug smuggling, illegal entertainment and juvenile crime. The government of Tokyo had introduced a series of measures, ranging from controlling organized criminal groups (*boryokudan*) to providing guidance for juveniles and erasing graffiti. The murder of two children had led to the introduction of measures to increase the safety of children, in cooperation with schools and communities. The panellist emphasized the importance of building a strong partnership with residents, communities, schools, local governments, law enforcement authorities and criminal justice officials to prevent and suppress urban crime.

15. In the discussion that followed, several speakers noted the broadness and complexity of urban crime. One speaker urged the Commission to use the urban perspective of dealing with crime in cities and to meet the special challenges posed by urbanization, including the growing proportion of poor or relatively deprived residents. It was noted that one half of the world's population was currently living in cities and that the proportion of people living in cities was increasing and would continue to increase.

16. Several speakers noted the ongoing impact of both internal migration and immigration to cities, in which the resulting crime issues were linked to the level of inclusion of new arrivals, the ability of cities to provide needed services and the extent to which those groups trusted and participated in the governance of the city. It was noted that there was a need to improve both the level of safety and the overall quality of life for urban residents and that human security and urban crime prevention were policy matters of high priority in many countries.

17. Several speakers also emphasized the importance of addressing the needs of and creating opportunities for young people living in poor or relatively deprived circumstances and noted the risk of youth being recruited by criminal gangs becoming victims of crime or violence. One problem of special concern of xenophobic crime, also known as hate crime, which, in addition to victimizing

individuals, further marginalized ethno-cultural and racial minority groups. It was noted that the predation of ethno-cultural groups by gangs and other organized criminal groups was a particular problem among immigrant communities in cities and that gangs were emerging in cities throughout the world.

18. Several speakers emphasized the need for central and local authorities to work together with members of the community in developing effective crime prevention strategies at the local level. It was noted that intelligence- and knowledge-based policing had been effective in preventing crime in some countries, especially when they were coupled with social support and intervention. In general, evidence-based crime prevention should be pursued and strengthened, including the use of security audits to develop the nature and extent of the issues and to develop a concrete plan of action focused on the areas and groups involved.

19. One speaker noted the special challenges facing his city, which was one of the 20 largest cities in the world. He emphasized the need for coordination among local, regional and national authorities to address the increase in armed young men and gangs and in violent crime and the resulting increased vulnerability of populations.

20. Some speakers described experiences in their countries with stronger law enforcement measures, including accelerated criminal procedures to suppress urban crime, especially serious crime threatening public order. Others suggested the use of comprehensive integrated strategies, including social measures and services, crime prevention, social reintegration of offenders and providing gang members with opportunities to leave their gangs, including through witness protection programmes, as well as holding accountable persons who had committed serious forms of crime. It was recommended that those policies should be integrated into the overarching policies for the governance of the city as a whole.

21. Several speakers emphasized the need for police to develop strong partnerships with the community in urban areas, in order to build trust in governance and the rule of law, improve the ability of the police to investigate crime and protect the community. In particular, it was stressed that it was important to develop a positive relationship between young people and the police, in order to promote trust and encourage law-abiding behaviour.

22. Representatives of several countries emphasized the need to reduce violence and violent crime in communities and to develop a comprehensive strategy in cooperation with the health and educational sectors, in addition to developing effective measures to counter the use of firearms for committing crime.

23. Several representatives recommended the use of measures provided for in the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), where appropriate, in response to problems associated with organized criminal groups and gangs in cities. Other United Nations instruments, such as the guidelines for cooperation and technical assistance in the field of urban crime prevention (Economic and Social Council resolution 1995/9, annex) and the Guidelines for the Prevention of Crime (Council resolution 2002/13, annex), were also recognized as being useful in that regard. It was noted that the use and application of these instruments should be further promoted.

24. Some representatives recommended the simplification, expedition and enhancement of measures for international legal cooperation in the prevention of urban crime that extended beyond national borders.

25. Some observers recommended the incorporation of measures to build the spiritual and mental health aspects of individuals as a component of crime prevention.

26. One observer noted the importance of addressing the needs of victims of crime, while safeguarding the rights of offenders and supporting the application of the rule of law and reminded the Commission that, in reducing victimization, a cycle of future offending behaviour might be prevented.

27. The observer for a United Nations agency, noting with concern the growth of slums in cities, indicated that research had shown that while there might not be a direct empirical link between poverty and crime, direct links could be demonstrated between urban crime and urban deprivation, as well as anti-social or criminal behaviour and social exclusion. To counteract that impact, the observer urged local spheres of government to become involved in the amelioration of slum conditions. The speaker recommended assessing the effectiveness of crime prevention efforts in terms of their impact on the safety of the most vulnerable segments of the population. Finally, the coordination of comprehensive, multidimensional efforts with strategic partners was considered essential to reversing the trend of impoverishment and the resulting destabilization of cities.

28. At the end of the thematic discussion on sub-item (a), the Third Vice-Chairman summarized the salient points as follows:

(a) The topic of urban crime was well chosen, as it drew considerable attention among the participants;

(b) The panellists' presentation provided diversified and useful perspectives on the sub-items;

(c) Emphasis was placed on dealing with the issue of urban crime in the current "urban millennium";

(d) Speakers underlined that Governments were responsible for supporting crime prevention at the local level;

(e) Crime prevention at the local level should be a joint, integrated effort of central and local authorities in which a combination of law enforcement and social crime prevention strategies yielded the most positive results;

(f) While there were many facets of urban crime, they required specific well-targeted measures through which crime in its specific forms should be first diagnosed in safety audits, in terms of individual offences, specific locations, certain population groups and particular risk factors;

(g) Without evidence-based knowledge, the possibilities for effective urban crime prevention were limited;

(h) Intelligence- and knowledge-based policing in some countries had shown that urban crime prevention strategies could work, but always in conjunction with social support and within the democratic institutions and the rule of law.

Sub-item (b). Effective crime prevention and criminal justice responses to combat sexual exploitation of children; sharing of successful practices to combat sexual exploitation of children through crime prevention responses, criminal justice responses and international cooperation

29. In his statement, the independent expert for the United Nations study on violence against children emphasized that the exploitation of children under 18 years old through prostitution, child pornography and similar activities constituted violence against children. He noted that his study (A/61/299) had revealed that every year 1 million children throughout the world began engaging in prostitution, child pornography and similar activities. He emphasized that sexual exploitation occurred in several settings, such as schools and detention facilities, but was most common in families.

30. In his study, the independent expert recommended, inter alia, that all States ratify and implement the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Assembly resolution 54/263, annex I) and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Assembly resolution 54/263, annex II), as well as the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II). He called on States to strengthen national and local commitment and action to prohibit all forms of violence against children in all settings. The independent expert stated that the success of the follow-up process to the study depended on the continued engagement of Member States, United Nations entities and civil society.

31. The first panellist reported that over the past decade, cases of child pornography had increased and that the depravity of the images had become worse. The problem had been exacerbated by the use of the Internet. He noted that while all child pornography users might not be child abusers, a study conducted in his country had shown that 85 per cent of child pornography offenders who had gone through a treatment programme for sex offenders had disclosed during treatment that they had also abused children. He stated that victims of child prostitution and child sex tourism were also victims of trafficking in persons.

32. The second panellist stated that in a traditional African setting, the sexual exploitation of children was taboo and that, in many societies, offenders were punished through banishment from society. However, one major problem with traditional criminal justice was the lack of a uniform definition of a "child" according to African customs. That had led to the unintended consequence, in some societies, of allowing cultural practices, such as early and forced marriages, that promoted the sexual exploitation of children. She also noted that the destabilization and displacement of families in conflict and post-conflict situations had left many children vulnerable to sexual exploitation. Africa had seen an increase in child trafficking and prostitution as a result of the increase in demand in the major destination countries. She reported a new trend in trafficking in persons, including children: expatriate workers were exploiting weaknesses in penal legislation in most African countries to traffic in girls, who were transported, under the guise of

marriages or adoptions, to Europe, where they were made sex slaves. She outlined initiatives taken in her country to counter trafficking in persons and to protect and support child victims and witnesses.

33. Most speakers emphasized the need to fully implement the commitments contained in binding international and regional instruments, as well as the Declaration and Agenda for Action[94] adopted at the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm in 1996, and the Yokohama Global Commitment 2001,[95] adopted at the Second World Congress against Commercial Sexual Exploitation of Children, held at Yokohama, Japan, in 2001. Some speakers welcomed the current efforts of the Council of Europe to adopt a new instrument against child sexual exploitation and abuse.

34. Several speakers expressed concern over the increase in the sexual exploitation of children and expressed their Governments' commitment to fight the scourge. One speaker considered the sexual exploitation of children to be directly linked to globalization, poverty and unequal distribution of wealth. It was believed that sustained efforts towards poverty reduction and conflict resolution would reduce the risk of the sexual exploitation of children.

35. Several speakers reported that their countries had either included sexual offences against children in their general penal law or had adopted new legislation, in particular to adapt to the use of new technologies. Offences included possession of child pornography, "grooming", which entailed adults contacting children on the Internet for sexual purposes, and trafficking offences. Several States were in the process of amending their legislation to counter recent developments, for example, computer-generated images of child abuse. One State had added a number of offences to the list of offences for which a conviction would automatically result in the inclusion of the offender on the statutory list of people disqualified from working with children.

36. Several speakers stressed the importance of extending the jurisdiction of their legislation to cover offences committed outside their countries by their nationals or permanent residents. One speaker reported that in her country the principle of universal jurisdiction had been adopted to tackle the problem of sex tourism.

37. One speaker emphasized that policies to address sexual exploitation of children should be based on the best interests of the child and treat the child not as a potential victim but as a young citizen having the right to receive reliable information adapted to his or her age.

38. A number of speakers underscored the importance of having a comprehensive, cross-sectoral response to prevent and respond to the sexual exploitation of children. Many States had set up special inter-ministerial and coordination bodies and mechanisms to prevent and combat the sexual exploitation of children and to protect victims of that crime. Several speakers reported having adopted national action plans. Some gave examples of good practices in the prevention and investigation of the sexual exploitation of children, such as a partnership involving government and civil society in an early tracking system for child disappearances and kidnapping. Speakers considered that it was good practice to have multidisciplinary teams of

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[94] A/51/385, annex.

[95] A/S-27/12, annex.

specially trained professionals, including child protection experts and information technology specialists to identify victims, track suspects and prosecute offenders.

39. Several speakers noted that their Governments had carried out prevention and awareness-raising activities targeting children and families, as well as the general public. Joint initiatives with the private sector, in particular Internet service providers and the tourism industry, were considered indispensable to prevent the sexual exploitation of children. Examples of such initiatives were the adoption of codes of conduct and the provision of free filters for home computers that blocked offensive and illegal content.

40. A number of speakers gave examples of how to prevent the secondary victimization of child victims in the criminal justice process through the establishment of so-called "children houses" in which all professionals dealing with child victims in the criminal justice system were located to ensure that child victims would need to go only to one place and that they would not be subjected to repetitive interviews. Further examples given were recording the testimonies of children, using intermediaries to help vulnerable witnesses give evidence and allowing child victims to give evidence without revealing their names.

41. A number of speakers reported that their Governments had established registries of convicted sex offenders, which enabled law enforcement officers to monitor their movements, and several noted that professionals working with children were required to go through a vetting process.

42. Several speakers underscored the importance of international cooperation in fighting child sexual exploitation effectively through the exchange of information on "travelling" offenders, mutual legal assistance and extradition. One speaker emphasized that it was also necessary to punish those profiting financially from the sexual exploitation of children, by using penal provisions relating to money-laundering, confiscation and asset forfeiture.

43. Some speakers stated that their Governments had supported initiatives in other countries aimed at the prevention and eradication of the sexual exploitation of children and adolescents and the promotion of the awareness of children's rights, as well as regional cooperation programmes.

44. Some speakers highlighted the important role of international organizations in that area, in particular the United Nations Children's Fund (UNICEF), and the need to continue coordinating efforts between international and regional agencies. One speaker called on UNODC to provide technical assistance to Member States in areas of legislation and law enforcement and to continue coordinating the exchange of good practices among countries.

45. The Third Vice-Chairman summarized the salient points of the thematic discussion as follows:

(a) There was general agreement that the problem of the sexual exploitation of children was increasing. It was estimated that 2 million children were victims of sexual exploitation. Evidence also suggested that child pornography was getting worse and had been exacerbated by new technologies, in particular the Internet;

(b) There was a need to fully implement the commitments contained in binding international and regional instruments, as well as the Stockholm Declaration and Agenda for Action and the Yokohama Global Commitment 2001;

(c) Many States had adopted legislation:

(i) To penalize all types of sexual exploitation of children, including the possession of child pornography, offences related to use of information technologies and trafficking offences, either through specific legislation or in their general criminal law;

(ii) To extend their competence over either their citizens who had committed offences abroad (extraterritoriality) or all persons, regardless of nationality and place of commission of offence (universal competence);

(d) Several examples of inter-ministerial and coordinating bodies and mechanisms were given, and adopted national action plans were highlighted. Having multidisciplinary teams to investigate and prosecute sexual exploitation was considered to be a good practice;

(e) Prevention programmes targeting children and families and awareness-raising campaigns directed at the general public, including Internet users, were being carried out in many countries;

(f) It was important to work with the private sector, in particular Internet service providers and the tourism industry, to prevent the sexual exploitation of children, including sex tourism, for example, through the adoption of codes of conduct;

(g) Good practices in the protection and treatment of child victims/witnesses included locating social workers, investigators and prosecutors in one administrative structure and introducing the use of intermediaries to help vulnerable witnesses give evidence;

(h) Professionals working on those cases should be specially selected through a vetting process and trained to deal sensitively with child victims and witnesses;

(i) Several examples of child victim support schemes were described;

(j) The role of international organizations, in particular UNICEF, was highlighted, as well as the need for international and regional agencies to coordinate their efforts;

(k) International cooperation among law enforcement authorities, including through Interpol and the European Police Office (Europol), as well as mutual legal assistance, extradition and exchange of information on "travelling" offenders were essential to fighting the sexual exploitation of children effectively.

Workshop

46. A workshop on the theme "Successful crime reduction and prevention strategies in the urban context" was organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. The Workshop was chaired by the First Vice-Chairman of the Commission and Chairman of the Committee of the Whole and moderated by the Director of the European Institute for Crime Prevention and Control, affiliated with the United Nations. Seven

presentations were made at the workshop, covering two main thematic areas: youth crime and youth gangs; and safe and successful strategies for offender reintegration.

47. The First Vice-Chairman, in his opening remarks, noted that the Workshop had been designed to take advantage of the global expertise of the institutes of the Programme network.

48. The representative of the Secretariat reminded participants that the Commission and UNODC had a long history of working together on issues related to youth crime prevention and youth gangs, as well as on the reintegration of offenders into the community. He noted that the renewed focus of the Commission on urban crime prevention, particularly in the context of youth violence and gang-related activities, was highly opportune.

49. The observer for the International Centre for the Prevention of Crime gave an overview of some of the crime prevention problems confronting urban areas. It was noted that cities in all regions were experiencing rapid population growth, which placed great strains on infrastructure and on social and economic development. Young people constituted a major part of those urban populations and were at great risk of exploitation, crime and victimization, while also being seen as part of the problem of order in urban areas and a source of insecurity. Building on the workshop on urban crime prevention and youth at risk held during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, the presentation discussed current concerns about urban youth crime, including violence and gang activity, and the implications of the control and use of public space. Recent experience and evidence-based interventions were reviewed from the North and the South, including current work by the Centre on urban youth crime and public space, which placed a strong emphasis on local government strategies, police and community action.

50. The observer for the International Scientific and Professional Advisory Council made a presentation on successful crime reduction and prevention strategies in the urban context. He noted that over the past two decades, the issue of urban safety had become a major concern for politicians and attracted increasing public attention. In the 1990s, the problem had been the subject of numerous public awareness campaigns, organized by citizen groups in many European urban areas to counter the degradation of urban neighbourhoods and the spread of small-scale criminality, as well as against the presence of "social outcasts" (such as the homeless, illegal immigrants, drug addicts and prostitutes), who were perceived as a threat to the safety of urban inhabitants. In that context of unsafety, marked by feelings of apprehension and social malaise, phenomena such as youth gangs could emerge and flourish. The presentation drew on a recent empirical study conducted by the Advisory Council on the problem of safety in certain urban areas in Italy. It distinguished between "group delinquency" and "gang delinquency" and analysed the various typologies, motives and aggregation patterns of youth gangs in those areas.

51. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders addressed effective crime prevention, including youth crime in the urban context, based on community involvement from an Asian perspective. He focused on an integrated approach to the prevention of crime, including close cooperation between the community and the organizations

concerned, in addition to the traditional, repressive approaches. In particular, the presentation emphasized the role of the community in the prevention of crime, the reintegration of offenders and the education of delinquent youth. In that context, the presentation introduced the activities of volunteer probation officers in Japan. It also outlined measures that could be taken by police authorities and prosecutors to prevent crime associated with urbanization, such as by using community policing and community prosecution, and mapping analysis of reported crimes conducted by the police. Other practices in that field in Asian countries highlighted the importance of community involvement.

52. The observer for the Australian Institute of Criminology made a presentation on prisoner post-release reintegration. The number of prisoners, the rate of imprisonment and the costs of offender management were increasing worldwide. It was noted that few people currently imprisoned would spend all their lives incarcerated, and that a majority of those released would go on to reoffend. The challenge for correctional authorities was to minimize recidivism while maximizing the gain from every correctional dollar spent. Prison populations were characterized by a range of social, personal and physical disadvantages that could lead to marginalization from mainstream society. Assisting prisoners in overcoming those disadvantages before, during and after their release might reduce the likelihood that they would reoffend and might assist them to become productive community members. Managed prisoner re-entry was intended to enhance community safety cost-effectively through reduced recidivism, but, more broadly, it was intended to reintegrate former offenders in mainstream society. The presentation described current theory and practice regarding prisoner reintegration, detailing the challenges confronting returning prisoners and key concepts related to prisoner re-entry and reintegration.

53. The observer from the International Center of the National Institute of Justice of the United States Department of Justice made a presentation on private industry inside prisons. Of the ex-offenders released from prison in the United States, approximately 60 per cent were rearrested within three years, and 25 per cent would be reincarcerated. Re-entry (the process of preparing an inmate for release, transition planning and post-release) was the key to reducing that problem. One programme that had produced successful results in reducing recidivism was the Prison Industry Enhancement Certification Program. The Program was a specialized programme of private industry that paid inmates prevailing local wages. Research revealed that programme participants, who earned a wage and had some savings upon release, had better outcomes as measured by their rate of employment upon release, length of employment before a break in service and their reduced rate of recidivism.

54. The observer for the International Centre for Criminal Law Reform and Criminal Justice Policy made a presentation on successful strategies that contributed to safer communities, noting that the vast majority of offenders released from prison returned to large metropolitan areas. It was fundamental to the goals of crime reduction and prevention that strategies were in place to adequately address the significant number of offenders returning to the community. In his presentation, the observer described several successful strategies for the reintegration of offenders that contributed to a safer community, including both process and programme strategies. Process strategies highlighted the benefits of enhanced inter-agency

cooperation as evidenced by the model of the Multi-Agency Public Protection Arrangements of the United Kingdom and the model of the National Joint Committee of Senior Criminal Justice Officials. Programme strategies presented included the "circles of support and accountability model" that had been successfully implemented in Canada and the United Kingdom.

55. The observer for the African Institute for the Prevention of Crime and the Treatment of Offenders focused on the community-based project "From prison back home: social rehabilitation and reintegration of prisoners". He highlighted the conditions for a successful approach to social rehabilitation and reintegration of prisoners in their communities of origin or choice. When successfully implemented, the approach contributed to a positive change in societal attitudes and a reduction of recidivism, which made it an effective and realistic crime prevention strategy in Africa. The project formed a vital best practice that should be replicated in other African countries.

56. Following an interactive discussion among participants, the workshop concluded that comprehensive crime prevention strategies must include effective measures to prevent recidivism and to stop the cycle of failed adaptation by repeat offenders. The panel noted the absence of rigorous evaluation and the difficulty of identifying best practices in the area of offender reintegration. However, it was possible to identify some promising practices, as well as the key features of effective interventions to reduce crime by facilitating the reintegration of offenders. Barriers to inter-agency cooperation continued to hinder the success of reintegration programmes. Furthermore, it was becoming clear that intensive monitoring and surveillance alone had not produced demonstrable crime reduction benefits. Research suggested that decreases in recidivism occurred when offenders were subject to supervision control in combination with rehabilitative treatment in the community. Finally, research confirmed that the needs of offenders were complex and could not be wholly addressed by already stretched correctional services. Offender reintegration programmes must address the dynamic risk factors associated with recidivism. Experience to date suggested that the most effective programmes were those that offered assistance in an integrated and comprehensive manner and addressed the interrelated challenges faced by offenders. They must be based on sound methods for assessing the needs and risk factors of offenders. A balance needed to be struck between, on the one hand, surveillance and control and, on the other, support and assistance.

B. Action taken by the Commission

57. At its 10th meeting, on 27 April 2007, the Commission adopted a revised draft resolution entitled "Effective crime prevention and criminal justice responses to combat sexual exploitation of children" (E/CN.15/2007/L.7/Rev.2), sponsored by Afghanistan, Albania, Algeria, Australia, Belarus, Brazil, Canada, Chile, Croatia, Ecuador, Egypt, Germany (on behalf of the European Union), Guatemala, India, Japan, Mexico, Morocco, Nigeria, Norway, Peru, the Philippines, the Republic of Korea, Serbia, South Africa, Thailand and the United States. (For the text, see chapter I, section D, resolution 16/2.) Before the approval of the revised draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex II.

Chapter III

World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice

58. At its 2nd, 6th and 7th meetings, on 23, 25 and 26 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 4, which read as follows:

> "World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:
>
> "(a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime;
>
> "(b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption;
>
> "(c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism."

59. For its consideration of agenda item 4, the Commission had before it the following:

(a) Note by the Secretariat on world crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice (E/CN.15/2007/2);

(b) Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network (E/CN.15/2007/4);

(c) Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption (E/CN.15/2007/7);

(d) Report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity (E/CN.15/2007/8);

(e) Report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity: economic fraud (E/CN.15/2007/8/Add.1 and 2);

(f) Report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity: identity-related crime (E/CN.15/2007/8/Add.3);

(g) Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism (E/CN.15/2007/9);

(h) Report of the Executive Director on development, security and justice for all: opportunities and challenges (E/CN.7/2007/6-E/CN.15/2007/14);

(i) United Nations Interregional Crime and Justice Research Institute: achievements in 2006 and key activities for 2007 (E/CN.15/2007/CRP.2);

(j) Status of ratification of the United Nations crime conventions as at 29 March 2007 (E/CN.15/2007/CRP.4).

60. The Commission also had before it, for its information, the following documents:

(a) Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its third session, held in Vienna from 9 to 18 October 2006 (CTOC/COP/2006/14);

(b) Report of the Conference of the States Parties to the United Nations Convention against Corruption on its first session, held in Amman from 10 to 14 December 2006 (CAC/COSP/2006/12).

61. At the 1st meeting of the Commission, on 23 April 2007, statements were made by the Director of the Division for Treaty Affairs and the Director of the Division for Policy Analysis and Public Affairs of UNODC.

62. At its 2nd, 6th and 7th meetings, on 23, 25 and 26 April 2007, the Commission heard statements by the representative of Germany on behalf of the States Members of the United Nations that are members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, as well as Iceland and Norway, the observer for Ecuador (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States) and the representatives of Argentina, Canada, Costa Rica, the Republic of Korea, the Islamic Republic of Iran, Colombia, the Russian Federation, the United Kingdom, Indonesia, Pakistan, the United States, Japan, China, India, Turkey, Austria, Cameroon and Ukraine. Statements were also made by the observers for Croatia, Burkina Faso, Belarus, Kuwait, Australia, Algeria, Paraguay, Thailand, Afghanistan, the Philippines, the Dominican Republic, Cuba, Romania, Egypt and the Bolivarian Republic of Venezuela. Statements were also made by the observers for the International Atomic Energy Agency, the International Centre for Criminal Law Reform and Criminal Justice Policy, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the League of Arab States, the International Federation of Red Cross and Red Crescent Societies and SOS Attentats. A statement was also made by the representative of Canada, speaking in his capacity as rapporteur of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity.

A. Deliberations

1. Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime

63. The Director of the Division for Treaty Affairs reported on progress and developments in the global fight against transnational organized crime and corruption and reiterated the need to continue to pursue the universal ratification of the United Nations crime conventions at the earliest possible date. She also stressed the importance of supporting the technical assistance activities of UNODC in promoting the ratification and implementation of those instruments. Reference was made to the resolutions and decisions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its third session, held in Vienna from 9 to 18 October 2006, and the Conference of the States Parties to the United Nations Convention against Corruption at its first session, held in Amman from 10 to 14 December 2006. She also briefed the Commission on the results achieved by the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity at its second meeting, as contained in the report of the Secretary-General (E/CN.15/2007/8). She highlighted the need to use the information gained from the study for the purpose of developing useful practices, guidelines or other materials on related issues. She also renewed the appeal to Member States to consider making voluntary contributions to enable the convening, in close cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), of an expert group meeting to examine and assess the challenges posed and the difficulties encountered in the fight against trafficking in cultural property and to submit relevant recommendations to the Commission, pursuant to Economic and Social Council resolution 2004/34 of 21 July 2004. Finally, she reported on action and initiatives undertaken by UNODC to strengthen the responses of Member States in the field of preventing, combating and eliminating kidnapping and providing assistance to victims of kidnapping. In that connection, she referred to the promotion of the *Counter-Kidnapping Manual*, which had been presented and made available to Member States at the fifteenth session of the Commission.

64. The Director of the Division for Policy Analysis and Public Affairs referred to the note by the Secretariat on world crime trends and responses (E/CN.15/2007/2) and highlighted the importance of building knowledge on crime trends as a tool to promote informed policymaking and sustainable development. He stressed that the analysis of crime trends had been identified by Member States as one of the pillars of the UNODC strategy for the period 2008-2011. In addition, he noted that only 74 Member States (less than 40 per cent of all Member States) had responded to the Ninth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 2003-2004. Although that represented an improvement with respect to the previous United Nations surveys, there was a need to increase the response rate, as stressed by the Commission at its fifteenth session. In that context, an initiative was undertaken by UNODC to place experts in the field to assist Governments in compiling crime data. It was further reported that, during the past year, UNODC had strengthened collaboration with relevant partners, such as the Statistical Office of the European Communities, Europol, the Economic

Commission for Europe and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, in the development of synergies for data collection and analysis. Finally, reference was made to relevant UNODC publications to be launched imminently: *Crime, Violence and Development: Trends, Costs and Policy Options in the Caribbean*, co-published with the World Bank; *Crime and Development in Central America: Caught in the Crossfire*; and *Crime and Stability in South-East Europe*. A publication on the identification of juvenile justice indicators, to be issued jointly with UNICEF, was also planned.

65. Many speakers reiterated the support of their Governments to the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, while others emphasized the need for completion of its two reporting cycles so that the working group on technical assistance, at its meeting to be held in October 2007, could give appropriate consideration to the information provided and the analytical reports on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, which the Secretariat would submit to the Conference of the Parties at its fourth session, in 2008. It was emphasized that the primary responsibility for the support and review of the implementation of the Organized Crime Convention and its Protocols rested with the Conference of the Parties. It was noted that the Commission could usefully raise awareness, help expand the donor base and encourage the provision of required information to the Conference of the Parties. One speaker stressed the need to ensure that the Conference of the Parties to the United Nations Convention against Transnational Organized Crime fully coordinated its work with the Conference of the States Parties to the United Nations Convention against Corruption, as well as with other relevant intergovernmental, regional and subregional bodies.

66. Several speakers representing States that had not yet become parties to the Organized Crime Convention and its Protocols reported on the progress made towards the ratification of, or accession to, those instruments. Other speakers referred to legislative action undertaken in their countries to ensure that their respective domestic legal systems complied with the requirements of the Organized Crime Convention and its Protocols. A common denominator of the statements made was the emphasis on the need to promote international cooperation in criminal matters and to strengthen the relevant mechanisms for extradition, mutual legal assistance and other forms of cooperation, in order to effectively combat transnational organized crime and its manifestations. The importance of designating central authorities to deal with requests for cooperation and of establishing operational procedures to allow for lifting bank secrecy was underlined in that regard. A number of speakers referred to action undertaken by their Governments to intensify cooperation with other Governments through the adoption and implementation of bilateral treaties or arrangements. One speaker proposed the adoption of a universal legal instrument for facilitating extradition and international cooperation in cases involving crimes against humanity, organized crime and terrorist activities. In that connection, one speaker underlined the importance of supporting the work of the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation, established pursuant to decision 2/2 of the Conference of the Parties. Furthermore, a number of tools developed by UNODC to facilitate international cooperation, such as the Mutual Legal Assistance Request Writer Tool, were

welcomed, and the Office was requested to further develop such tools and promote their use. Reference was also made to the European arrest warrant and the surrender procedures of States members of the European Union based on it as an example of a streamlined regional mechanism for expeditious extradition.

67. Noting the critical importance of providing technical assistance and building institutional capacity to enable developing countries, countries with economies in transition and countries emerging from conflict to ratify and fully implement the Organized Crime Convention and its Protocols, several speakers called for increased technical assistance in those areas. The representatives of some donor countries informed the Commission of technical assistance programmes already in place, as well as various other contributions that had been made. In that regard, several speakers expressed their appreciation for the work of UNODC in promoting the ratification and implementation of the Organized Crime Convention and the Protocols thereto and requested the Office to continue providing technical assistance in those areas.

68. Several speakers made reference to the Global Initiative to Fight Human Trafficking, launched by UNODC with financing from the United Arab Emirates, and agreed that there was an urgent need for action to reduce demand, prevent victimization, target criminals involved in trafficking in persons and protect the victims of trafficking. In that regard, they welcomed UNODC initiatives, such as countering trafficking in persons effectively, providing a comprehensive and concerted international response to the problem and collecting data on such trafficking. Reference was also made to the International Conference on Trafficking in Women and Girls, held in New York on 5 March 2007, and to the inter-agency coordination meeting on collaborative interventions to counter trafficking in persons, held in Tokyo on 26 and 27 September 2006. Several speakers referred to General Assembly resolution 61/144 of 19 December 2006, entitled "Trafficking in women and girls", and resolution 61/180 of 20 December 2006, entitled "Improving the coordination of efforts against trafficking in persons", noting that the requests and invitations to action that they contained provided specific examples of the action required. A number of speakers also noted that in its efforts, UNODC should, above all, aim at facilitating the implementation of the Trafficking in Persons Protocol, taking into due account the work of the Conference of the Parties and the specific mandate of the Secretariat in that area. Moreover, it was stressed that the Secretariat should consult and coordinate closely with relevant international and regional organizations to build on existing activities and avoid duplication of work.

69. One speaker drew attention to the need to start working on a possible international instrument to facilitate the marking and tracking of explosives, which were being transported on a large scale across countries, as had already been done with regard to small arms.

70. One speaker provided an overview of the results of the study on fraud and the criminal misuse and falsification of identity (E/CN.15/2007/8 and Add.1-3). The results confirmed that fraud was very difficult to measure and that most Governments tended to underestimate the seriousness of that rapidly expanding global problem, which was associated with the increasing use of information technology. In addition, it was noted in the study that Governments were concerned about commercial entities sometimes being reluctant to report incidents of fraud and about passports and other identity documents being misused by travellers to enter

countries illegally or conceal their true identities. The same speaker noted that the high proceeds and low risks involved had made fraud attractive to both organized criminal organizations and terrorist organizations. It was also noted in the study that almost all responding Member States had reported that most of the cases involving serious transnational fraud that they had encountered had involved organized criminal groups and had therefore been within the scope of application of the Organized Crime Convention. One of the recommendations in the study was to ensure that the Organized Crime Convention was used in appropriate cases involving fraud offences committed at the national level that were covered by the Convention. Several speakers reported on progress made in their countries in the fight against that emerging form of crime and expressed their appreciation of the work of the open-ended Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity.

71. One speaker made reference to the initiative of his Government to organize, in cooperation with UNODC and the Korean Institute of Criminal Justice Policy, two meetings in 2006 to discuss methodologies for building up international capacities to combat cybercrime.

72. One speaker, speaking on behalf of his regional group, was of the view that more streamlined efforts were needed to combat specific criminal activities involving organized criminal groups, such as trafficking in protected species of wild flora and fauna and trafficking in cultural property. With regard to effective action against the latter, he mentioned that in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, endorsed by the General Assembly in its resolution 60/177 of 16 December 2005, Member States, bearing in mind the relevant international legal instruments, had called for effective measures to be taken to strengthen international cooperation. He expressed his support for the convening of an expert group meeting to deal with issues related to trafficking in cultural property and requested UNODC to convene an expert group meeting on cultural assets pursuant to that resolution.

73. Several speakers noted that the development by UNODC of the *Counter-Kidnapping Manual* and the implementation of related action with other countries of the region had been of great importance and considerable benefit.

74. One speaker shared his Government's successful experiences in reducing the number of kidnapping cases and informed the Commission of his Government's efforts at the regional level to combat kidnapping, including the promotion of the use of the *Counter-Kidnapping Manual* developed by UNODC, which had been made available to the Commission at its fifteenth session.

2. Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption

75. Several speakers emphasized the impact of corruption as an obstacle to sustainable development, noting that corruption was the result of weak governance and the lack of transparent and accountable management control systems. It was stressed that there was a need to adopt effective measures to detect, investigate and adjudicate corruption cases and to carry out fruitful international cooperation.

Several speakers highlighted the importance of integrating the fight against corruption in development cooperation efforts.

76. Several speakers expressed their gratitude to the Government of Jordan for its excellent preparation and organization of the first session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Amman in December 2006. Representatives were particularly satisfied with the outcome of the first session, including the establishment of three intergovernmental expert working groups: on implementation review, asset recovery and technical assistance. They reiterated their commitment to work towards the full implementation of the resolutions of the Conference of the States Parties. Several speakers welcomed the efforts by the Secretariat to ensure the speedy implementation of those resolutions, in particular by finalizing and distributing the self-assessment checklist, and urged all parties and signatories to the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) to respond and ensure that the information could be collated and analysed in a timely manner. With regard to the review of the implementation of the Convention and the launch of a voluntary pilot programme, some speakers welcomed the ongoing efforts to move beyond traditional methods of reviewing the implementation of international conventions. It was also noted that any such method would need to be efficient, impartial, participatory, equitable, transparent and non-intrusive. One speaker expressed the concern that it would be premature to establish an independent review body. Some speakers raised the issue of bribery of officials of public international organizations and manifested their interest in participating in the open-ended dialogue under resolution 1/7 of the Conference of the States Parties.

77. It was noted that the task of supporting and reviewing the implementation of the Convention against Corruption belonged to the Conference of the States Parties. The Commission could contribute in three ways: raising awareness; promoting expansion of the donor base; and ensuring that States parties provided the information required by the Conference of the States Parties.

78. The representative of Indonesia briefed the Commission on his Government's preparations for the second session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in Bali from 28 January to 1 February 2008. He informed the Commission that his Government was engaging in a number of high-level initiatives and was organizing several regional and international events, including a seminar on asset recovery and the second Conference of the International Association of Anti-Corruption Authorities.

79. Several speakers noted the large number of parties to the Convention against Corruption, while others reported on progress made by their States in the process of ratification of the Convention. Some representatives indicated specific time frames within which their States would become parties to the Convention.

80. Speakers reiterated their States' commitment to implementing the Convention against Corruption by, inter alia, introducing strong preventive and criminalization measures. Speakers noted the national laws, measures and initiatives that their Governments had adopted to implement the Convention. Many Governments had established independent anti-corruption bodies and had put in place anti-corruption strategies and action plans. One speaker referred to her Government's national action plan, which linked concrete anti-corruption measures to responsible

institutions, time frames and sources of financing. She noted that some progress had already been made in terms of inter-agency coordination. A number of speakers reported on a wide range of initiatives at the national level to prevent and combat corruption, such as enhancing judicial capacity by establishing provincial auditing courts, accrued powers for the judicial agencies monitoring cases involving misuse of public funds, and expanding the scope of application of laws against money-laundering and commercial fraud. Several initiatives specifically addressed financial declarations to be filed by public officials and civil servants and rules governing public procurement. It was noted that States had also taken concrete steps to ensure the independence of the judiciary. Several speakers noted that their Governments had recognized the importance of engaging civil society and the private sector in anti-corruption efforts, as well as the need to raise awareness and further educate the public regarding the problem of corruption.

81. UNODC was commended for its efforts in assisting States in ratifying and implementing the Convention against Corruption. One notable example of the efforts of UNODC was the publication in 2006 of the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*.[96] UNODC was encouraged to finalize the technical guide as a tool for practitioners to use in implementing the Convention against Corruption. UNODC was also commended for its efforts to provide practical and sustained assistance through its in-country mentor programme. Some speakers urged UNODC to further increase and strengthen technical assistance provided to developing countries in support of their efforts to prevent and combat corruption, particularly in the areas of international cooperation and asset recovery, which were regarded as weak links in the global fight against corruption. One speaker expressed his Government's interest in entering into diversified, direct and result-oriented cooperation with UNODC and others involved in efforts to counter corruption at the international level, as well as at the national level. Speakers welcomed the convening of an international cooperation workshop on technical assistance for the implementation of the Convention against Corruption, to be held in Montevideo, from 30 May to 1 June 2007, pursuant to resolution 1/6 of the Conference of the States Parties to the United Nations Convention against Corruption.

82. Several speakers noted that no State could fight corruption alone and that regional and international cooperation was crucial. The Global Forum on Fighting Corruption was hailed as an important platform in that respect. Speakers commended the efforts made by the Government of South Africa in hosting the fifth Global Forum in Johannesburg from 2 to 5 April 2007. Further specific references were made to the South-East European Cooperation Process, the Anti-Corruption and Transparency Expert Task Force of the Asia-Pacific Economic Cooperation, training activities of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, efforts by the Association of Southeast Asian Nations to develop a regional instrument for countering corruption, the work of the Council of Europe, the Organization for Economic Cooperation and Development and the European Anti-Fraud Office (OLAF) in combating corruption and financial crime. One speaker noted his Government's commitment to providing regional assistance for building constituencies for anti-corruption reform, reducing opportunities for corruption and removing incentives for corrupt behaviour.

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[96] United Nations publication, Sales No. E.06.IV.16.

3. Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism

83. In her introductory statement, the Director of the Division for Treaty Affairs referred to the counter-terrorism technical assistance work carried out by the Terrorism Prevention Branch of the Division and to the challenges ahead for Member States and UNODC, especially in the light of the adoption of the United Nations Global Counter-Terrorism Strategy by the General Assembly in its resolution 60/288 of 8 September 2006. She noted that the work of UNODC had led to concrete results. She expressed gratitude for the support provided in that area to and the confidence entrusted in UNODC by donor and recipient countries. She assured the Commission that UNODC was committed to delivering effective assistance to Member States in full compliance with its mandates, the relevant results defined in UNODC strategy for the period 2008-2011 and result-based programme management.

84. A number of speakers expressed their condolences to the people and Governments of Algeria and Morocco for the victims of the recent terrorist attacks and to victims of terrorist attacks elsewhere in the world.

85. Many speakers condemned terrorism in all its forms and manifestations. They noted that terrorism constituted one of the most serious threats to international peace and security and threatened to undermine the very values on which the United Nations had been founded, including the rule of law, respect for human rights, fundamental freedoms and the opportunity for all to achieve social and economic development.

86. Speakers stressed the importance of the efforts of the international community and the United Nations to address terrorism and welcomed the adoption of the United Nations Global Counter-Terrorism Strategy by the General Assembly, which demonstrated the resolve of all Member States in combating terrorism. Several speakers underlined the importance of a comprehensive approach that also addressed the conditions conducive to the spread of terrorism and emphasized the need to promote inter-faith and inter-civilization harmony and understanding.

87. Several speakers highlighted the high value of the technical assistance delivered by UNODC, especially its Terrorism Prevention Branch, which had become the key provider within the United Nations system of technical assistance in the legal and related aspects of counter-terrorism. Speakers expressed appreciation and strong support for the work of the Branch in assisting States in becoming parties to and implementing the relevant universal instruments related to terrorism, including for strengthening the capacity of national criminal justice systems to apply effectively the provisions of those instruments and for reinforcing international cooperation. Some speakers expressed appreciation for the technical assistance tools developed by UNODC, including the legislative guides, training manuals and relevant software. They called for continued work in that regard. Appreciation was also expressed for the organization by the Branch of numerous regional and subregional workshops, including the Conference of Ministers of Justice of Francophone African Countries, held in Ouagadougou in March 2007, and the Ministerial Conference for Caribbean Countries against Terrorism and Transnational Organized Crime, held in Santo Domingo from 19 to 22 March 2007.

88. It was emphasized that the goals of universal adherence to and implementation of the international instruments to prevent and combat terrorism was an essential component in the concerted global effort to combat terrorism and that much work needed to be done to achieve those goals. One observer made specific reference to the work of his organization in promoting adherence to and implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (General Assembly resolution 59/290, annex), as well as other pertinent instruments, and to the cooperation with other international organizations, including UNODC, in that regard.

89. A number of speakers noted that, in the United Nations Global Counter-Terrorism Strategy, UNODC was encouraged to enhance its technical assistance delivery to Member States, including the development of new initiatives to strengthen international and regional cooperation in criminal matters and the promotion of legal training on counter-terrorism and related issues. It was noted that that required expanded activities not only by the Terrorism Prevention Branch, but also by other relevant entities of UNODC. One speaker, noting the excellent work of UNODC in its mandated areas of work, emphasized that it should remain focused on those areas.

90. Several speakers underlined the importance of close collaboration with the counter-terrorism bodies established by the Security Council, in particular the Counter-Terrorism Committee and its Executive Directorate. Others emphasized the importance of working in partnership and enhancing cooperation and coordination with other entities at the international and regional levels. Strong support was expressed for the work of the Counter-Terrorism Implementation Task Force in enhancing cooperation among United Nations and other international organizations involved in the field of counter-terrorism and for the contributions being made by UNODC to that work. It was noted that the Commission had an important role in providing policy input to the General Assembly and guidance to the Secretariat in operationalizing the relevant aspects of the United Nations Global Counter-Terrorism Strategy.

91. The representative of Austria announced that his Government would organize, jointly with the Executive Office of the Secretary-General and UNODC, a symposium on advancing the implementation of the United Nations Global Counter-Terrorism Strategy. A number of speakers welcomed the holding of that event.

92. Speakers emphasized that international cooperation, especially extradition and mutual legal assistance, was crucial to any effort to prevent and combat terrorism. In that context, the importance of promoting trans-border cooperation among relevant law enforcement and criminal justice entities within neighbouring countries was stressed.

93. Several speakers underlined the importance of upholding the rule of law, respecting human rights and complying with international obligations and standards in countering terrorism. Effective counter-terrorism measures, and the protection of human rights and the rule of law were complementary and mutually reinforcing. The importance of a criminal justice response in due conformity with the principle of the rule of law was also pointed out. It was noted that counter-terrorism measures must also comply with Member States' obligations under international humanitarian law and refugee law.

94. Some speakers noted the links between terrorism and other forms of crime, in particular the use of criminal activities to generate funds for terrorist acts. One speaker underlined that additional research was required on financial support for terrorist activities and noted the value of close cooperation with the private sector, especially the business community, in that regard. One speaker noted that action was required to prevent the abuse of the Internet for terrorist purposes. Another speaker drew attention to the need to adequately address issues related to victims of terrorism.

95. Some speakers underlined the need to complete the work on the draft comprehensive convention on international terrorism, including an agreed definition of terrorism. One speaker stressed the need to distinguish between acts of terrorism and acts undertaken in the course of the legitimate struggle for self-determination as recognized under international humanitarian law. That speaker also reiterated that terrorist acts were unacceptable, whether in times of peace or during armed conflict.

96. Several speakers noted steps taken by their Governments to ratify existing universal and regional instruments related to terrorism and made reference to specific measures undertaken with the support of the Terrorism Prevention Branch, including the holding of national, subregional and regional workshops to assist in the ratification and implementation of those instruments. They also referred to the process of bringing national legislation into compliance with international standards for the implementation of the ratified instruments and taking into full consideration the requirements of Security Council resolution 1373 (2001) of 28 September 2001. The legislative measures adopted included the criminalization of new offences, enhancing capacity to prevent, prosecute and sanction terrorist acts and introducing specific steps to identify the financing of terrorism, including new provisions for the seizure and confiscation of funds. Other measures included the creation of specialized counter-terrorism bodies, inter-agency coordination mechanisms and capacity-building in police, customs and intelligence agencies to respond effectively to the threat of international terrorism.

97. Some speakers recalled the financial and other contributions of their countries to support the work of the Branch. A number of speakers called upon the international community and donors to provide adequate financial resources for the work of UNODC in the prevention of terrorism, especially in view of the need to expand the reach of its activities to meet increasing requests of States for technical assistance. It was noted that UNODC required increased core capacity and specialized expertise for its work in that area and that that, in turn, required increased resources, including allocations from the regular budget of the United Nations.

98. In his concluding remarks, the Chief of the Terrorism Prevention Branch stated that the United Nations Global Counter-Terrorism Strategy reinforced the existing United Nations counter-terrorism mechanisms, in particular those put in place by the Security Council. He reiterated that the work of the Branch would remain fully focused on its mandated areas and would be undertaken in full cooperation and coordination with, and would complement, the work of the Counter-Terrorism Committee and its Executive Directorate, the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and the Security Council Committee established pursuant to resolution 1540 (2004). He noted the effective work

coordination and synergy of efforts achieved with other UNODC entities, especially the Anti-Money-Laundering Unit and the Criminal Justice Reform Unit. He underlined the need for a criminal justice strategy in countering terrorism that integrated the rule of law standards. He expressed deep appreciation for the support of Member States for the work of the Branch and for the cooperation provided by other international organizations, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, as well as regional and subregional organizations.

B. Action taken by the Commission

99. At its 10th meeting, on 27 April 2007, the Commission recommended to the Economic and Social Council the approval of a draft resolution, as orally amended, for adoption by the General Assembly entitled "Technical assistance for implementing the international conventions and protocols related to terrorism" (E/CN.15/2007/L.13), sponsored by Albania, Algeria, Argentina, Chile, Croatia, Ecuador, Egypt, Germany (on behalf of the European Union), Guatemala, Liechtenstein, the Libyan Arab Jamahiriya, Morocco, Norway, Serbia, Switzerland and Thailand. (For the text, see chapter I, section A, draft resolution II.) Before the approval of the draft resolution, as orally amended, a representative of the Secretariat read a financial statement, the text of which is contained in annex III. Following the approval of the draft resolution, the representative of Egypt made a statement in connection with the draft resolution and the report of the Secretary-General envisaged in its operative paragraph 10, noting that the draft resolution and the report should be considered by the Sixth Committee of the General Assembly.

100. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime" (E/CN.15/2007/L.4), sponsored by Algeria, Argentina, Australia, Canada, Croatia, India, Kuwait, Nigeria, the Republic of Korea, Saudi Arabia, Switzerland, Thailand and the United States. (For the text, see chapter I, section B, draft resolution II.) Before the approval of the draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex IV.

101. At the same meeting, the Commission adopted a revised draft resolution entitled "International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources" (E/CN.15/2007/L.3/Rev.1), sponsored by Afghanistan, Albania, Algeria, Australia, Croatia, Germany (on behalf of the European Union), Guatemala, Indonesia, Norway, the Philippines, Switzerland, Thailand and the United States. (For the text, see chapter I, section D, resolution 16/1.)

102. At the same meeting, the Commission adopted a revised draft resolution entitled "Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors" (E/CN.15/2007/L.15/Rev.1), sponsored by Albania, Armenia, Azerbaijan, Bulgaria, Croatia, Germany (on behalf of the European Union), Hungary, Kuwait, Peru (on behalf of the Group of Latin American and Caribbean States), Qatar, Saudi Arabia, Serbia, South Africa and the former Yugoslav Republic

of Macedonia. (For the text, see chapter I, section D, resolution 16/5.) Before the adoption of the revised draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex V.

103. At the same meeting, the Commission adopted a revised draft decision entitled "Global initiative to fight human trafficking" (E/CN.15/2007/L.9/Rev.1), sponsored by Albania, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Finland, Germany, Greece, Ireland, Italy, Kuwait, Malaysia, the Netherlands, Portugal, Romania, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, the Sudan (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Sweden, Switzerland, Thailand, the United Arab Emirates, the United Kingdom and the United States. (For the text, see chapter I, section D, decision 16/1.)

Chapter IV

Use and application of United Nations standards and norms in crime prevention and criminal justice

104. At its 7th meeting, on 26 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 5, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice". For its consideration of the item, the Commission had before it the following documents:

(a) Report of the Secretary-General on the results of the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues (E/CN.15/2007/3);

(b) Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2007/11);

(c) Report of the Secretary-General on strengthening basic principles of judicial conduct (E/CN.15/2007/12).

105. The Director of the Division for Treaty Affairs and the Chief of the Rule of Law Section of the Human Security Branch of the Division for Operations made introductory statements. The Commission also heard statements by the representative of Germany (on behalf of the States members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, as well as Iceland and Norway) and by the observer for Ecuador (on behalf of the Group of Latin American and Caribbean States). The Commission also heard statements by the representatives of South Africa, the Republic of Korea, Canada, the United States and Ukraine. The observers for Defence for Children International, the World Society of Victimology, Penal Reform International and the International Commission of Catholic Prison Pastoral Care also made statements.

A. Deliberations

106. The Director of the Division for Treaty Affairs presented the report of the Secretary-General on the results of the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues (E/CN.15/2007/3), which contained the draft questionnaire on standards and norms primarily related to victims prepared by the Intergovernmental Expert Group at its meeting held in Vienna from 27 to 29 November 2006, which had been made possible through the generous financial contributions of the Governments of Canada and Germany. She briefly described the structure of the draft questionnaire and stated that the report also contained the outcome of the Expert Group's discussion on ways and means to promote further the use and application of standards and norms primarily related to victims.

107. The Director also introduced the report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2007/11), which contained an analysis of the replies received from Governments to the questionnaire on the use and application of standards and norms related primarily to the prevention of crime. She noted that compared with previous questionnaires, the response rate had increased and that this could be attributed to the importance attached by Governments to crime prevention. She stressed that many respondents had reported that they had specific crime prevention plans through which they implemented in whole or in part the Guidelines for the Prevention of Crime. The analysis of the replies received provided information on the main elements of a successful crime prevention plan and the main challenges faced by States in connection with crime prevention.

108. Referring to the report of the Secretary-General on strengthening basic principles of judicial conduct (E/CN.15/2007/12), which contained a summary of the discussions and recommendations of the Intergovernmental Group of Experts on a Technical Guide for Strengthening Judicial Integrity and Capacity, at its meeting held in Vienna on 1 and 2 March 2007, the Director drew attention to some of its recommendations, including the request for UNODC to publish and disseminate the commentary on the Bangalore Principles of Judicial Conduct and to continue working on the development of the guide on strengthening judicial integrity and capacity, and the recommendation for the Commission to explore the desirability of establishing an international judicial academy.

109. The attention of the Commission was drawn to the publication of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* and to the tools developed by UNODC to promote international cooperation in criminal matters, namely, the Mutual Legal Assistance Request Writer Tool and the forthcoming extradition request writer tool. Member States that had not yet done so were urged to designate central authorities to take charge of executing such cooperation.

110. The Chief of the Rule of Law Section of the Human Security Branch reported on activities undertaken by UNODC in the implementation of Economic and Social Council resolution 2005/21 of 22 July 2005, entitled "Strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform". He drew attention to the fact that programming in the area of criminal justice reform had seen an increase of 77 per cent since the biennium 2004-2005. Resources available under the regular budget of the United Nations for the biennium 2006-2007 were complemented by additional resources received as follow-up to the 2005 World Summit Outcome, specifically for work in the area of the rule of law in countries emerging from conflict and extrabudgetary resources received from the Governments of Austria, Belgium, Canada, Norway and Sweden. He noted that the growth had been the result of four contributing factors: (a) increased assessment and programming missions; (b) greater diversity of programming opportunities; (c) greater cooperation with partners both within and outside the United Nations system; and (d) training of field-level staff using tools developed in-house. A broad range of activities were being addressed, including: reform and integrity of criminal justice institutions; prison overcrowding and providing for alternatives to imprisonment; children in conflict with the law; and victims of crime and violence,

in particular women and children. Assistance was being provided to Member States in building up the capacity of their justice systems to operate more effectively within the framework of the rule of law, with particular attention to vulnerable groups. The majority of recipient States fell within the category of post-conflict or transitional societies.

111. It was noted that a series of operational tools and training materials were being developed by UNODC to assist Member States in the use and application of United Nations standards and norms in crime prevention and criminal justice. The UNODC Criminal Justice Handbook series currently comprised 11 publications (in print or under development). A child-friendly version of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex) had also been developed in the six official languages of the United Nations (in CD-ROM and in print) in cooperation with UNICEF, the UNICEF Innocenti Research Centre and the International Bureau for Children's Rights.

112. Attention was also drawn to the publication of the *Criminal Justice Assessment Toolkit* in October 2006 by UNODC in cooperation with the Organization for Security and Cooperation in Europe. The *Toolkit* provided a standardized and detailed set of tools for conducting assessments covering various activities and aspects of the criminal justice system. It was noted that a stand-alone training course on the use and application of the *Toolkit* had been developed and tested on field staff of UNODC and the United Nations Development Programme (UNDP). An interactive software version had been produced and would soon be launched.

113. Referring to the recommendations of the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment in its report, entitled "Delivering as one" (A/61/583), the Chief of the Rule of Law Section noted that UNODC continued to place particular emphasis on building partnerships to enhance inter-agency coordination and cooperation in the area of the rule of law and criminal justice reform. A focus had been placed on forging a partnership with the Department of Peacekeeping Operations of the Secretariat and UNDP, through joint missions, tools and programmes. UNODC had participated in a number of United Nations system-wide efforts to coordinate assistance, including the United Nations Rule of Law Focal Point Network, which served as a coordinating and information-sharing body for rule of law activities in peacekeeping operations.

114. Pursuant to Economic and Social Council resolution 2005/21, a policy dialogue had continued with the World Bank on joint projects and studies. A joint UNODC/UNDP working group had been established, inter alia, to outline a strategic partnership between the two organizations, including cooperation in the areas of anti-corruption, good governance and criminal justice, as well as knowledge management. UNODC had continued its active involvement in the Inter-Agency Coordination Panel on Juvenile Justice, which had established a part-time secretariat hosted by Defence for Children International, a non-governmental organization. UNODC had also provided input to the studies of the Secretary-General on violence against children and all forms of violence against women and would continue to be involved in the mechanisms established for their respective follow-up.

115. Several speakers stressed the importance of the United Nations standards and norms in crime prevention and criminal justice and the role they played in addressing crime prevention and criminal justice issues, their contribution to the harmonization of legislation and to the development of a united response to crime-related problems. The need to identify innovative approaches and new areas where international standards and norms could be applied was also stressed. One speaker stated that standards and norms had allowed the international community to create a solid foundation for any State willing to reform its criminal justice system or for any State or entity willing to provide technical assistance to others in accordance with broad principles recognized by the international community. He also noted that one of the key prerequisites for preventing and fighting transnational organized crime, terrorism and corruption was the existence of a fair, efficient and effective criminal justice system based on the rule of law and that United Nations standards and norms provided a cornerstone on which all Member States could rely in establishing such a criminal justice system.

116. Some speakers expressed their support for the periodic review of the use and application of standards and norms undertaken by the Commission to exchange information on the implementation of those instruments so as to make further progress in that regard. Some speakers reiterated their concern about Governments being overburdened by questionnaires and called for the need to minimize that burden. One speaker stressed the need to find a balance between the rationalization of the information-gathering requests and the importance to the Commission of receiving information on the use and application of standards and norms in order to understand how States had integrated such instruments into their criminal justice systems. It was noted that, in its resolution 2003/30 of 22 July 2003, the Economic and Social Council had decided to group the United Nations standards and norms in crime prevention and criminal justice into four groups; that had met the dual objective of diminishing the number of questionnaires and improving the application of the instruments, while allowing the Commission to collect information promoting an evidence-based approach.

117. Several speakers referred to the work undertaken by the Intergovernmental Expert Group Meeting held in Vienna from 27 to 29 November 2006 to develop an information-gathering instrument on United Nations standards and norms primarily related to victim issues. They expressed support for the adoption of the information-gathering instrument, as they considered that it would help to improve the identification of specific needs of States in the area of victim protection and provide an analytical framework with a view to improving technical cooperation in that field. In that regard, concern was expressed about the length of the questionnaire and the need to collect statistically valid data. One speaker invited the Commission to focus on the recommendations aimed at improving the quality of the information sought by means of the new questionnaire and encouraged Governments, in responding to the questionnaire, to consider seeking assistance from the institutes of the United Nations Crime Prevention and Criminal Justice network and national, regional and international research institutes and universities.

118. In connection with the proposal to develop an information-gathering instrument on standards and norms related primarily to good governance, the independence of the judiciary and the integrity of criminal justice personnel (the so-called fourth cluster of United Nations standards and norms, as set out in

Economic and Social Council resolution 2003/30), one representative, in view of the existing information-gathering processes undertaken within the framework of the Organized Crime Convention and the Convention against Corruption, cautioned against the risk of overlapping and expressed his preference for not having an information-gathering instrument on that cluster of standards and norms. However, he pointed out that, should the Commission decide to develop such a questionnaire, it should not address issues already covered by the information-gathering process under the Organized Crime Convention and the Convention against Corruption, and it should be prepared after completion of the information-gathering process undertaken within the conventions.

119. Several speakers expressed appreciation for the analysis of the replies to the questionnaire on United Nations standards and norms related primarily to crime prevention and for those States that had adopted specific crime prevention plans in order to implement the Guidelines for the Prevention of Crime. They endorsed the conclusion that international cooperation in the form of sharing expertise and best practices and providing technical assistance was essential to promoting the Guidelines. One speaker described the efforts of her Government to implement social as well as situational crime prevention. Another speaker, expressing satisfaction with the results of the questionnaire, was of the view that the data received would ensure the continued development of relevant crime prevention resources and the delivery of technical assistance where it was most needed.

120. Several speakers, referring to the report on crime prevention, indicated that there was still a long way to go in order to implement crime prevention measures effectively. They noted that, although social crime prevention and public policies were important, there was a need for a holistic approach. In particular, they stressed the need for international cooperation to assist Governments in need of technical assistance and in order to facilitate the exchange of information and best practices. Several speakers noted that crime prevention might appear costly, but it was less expensive than the alternative in terms of quality of life and direct socio-economic costs of crime.

121. Some speakers reported on measures taken by their Governments at the national level to implement standards and norms, particularly in the areas of crime prevention, assistance to victims, women and children, juvenile justice, prison administration and restorative justice.

122. The importance of the Standard Minimum Rules for the Treatment of Prisoners[97] was referred to by several speakers. One speaker described the unavoidable challenges that arose whenever United Nations standards and norms on the treatment of prisoners were not respected. The special needs of foreigners in prison needed to be addressed, and the Commission was invited to discuss that matter in the future.

123. One speaker welcomed the consideration by the Commission of the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, which

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[97] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A; and Economic and Social Council resolution 2076 (LXII).

was described as a practical document containing concrete and low-cost proposals on implementing the right to legal aid.

124. One speaker noted that the Bangalore Principles of Judicial Conduct (Economic and Social Council resolution 2006/23, annex) were a valuable tool for the development and revision of domestic standards and rules governing the professional and ethical conduct of members of the judiciary. The work of the open-ended intergovernmental expert group to review the draft commentary on the Bangalore Principles was welcomed. Support was expressed for the request for UNODC to continue working on the development of a technical guide to be used in providing technical assistance aimed at strengthening judicial integrity and capacity.

125. Another speaker provided information on the legislative and ethical standards taken at the national level to incorporate the fundamental values declared in the Bangalore Principles. The commentary on the Bangalore Principles of Judicial Conduct would serve as a helpful resource in further developing detailed guidelines on judicial conduct. Another speaker also supported the Bangalore Principles and noted that it was crucial that all States made all efforts to find the most suitable ways to maintain high ethical standards among their judiciary.

B. Action taken by the Commission

126. At its 10th meeting, on 27 April 2007, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "Information-gathering instrument in relation to United Nations standards and norms in crime prevention and criminal justice" (E/CN.15/2007/L.5), sponsored by Algeria, Canada, Germany (on behalf of the European Union), Morocco and South Africa. (For the text, see chapter I, section B, draft resolution III.) Before the approval of the draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex VI.

127. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Strengthening basic principles of judicial conduct" (E/CN.15/2007/L.6/Rev.1), sponsored by Algeria, Argentina, Cuba, Egypt, India, Kuwait, Morocco, Namibia, Nigeria, the Republic of Korea, Saudi Arabia, South Africa, Switzerland, the United Arab Emirates and Zimbabwe. (For the text, see chapter I, section B, draft resolution IV.) Before the approval of the revised draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex VII.

128. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination" (E/CN.15/2007/L.10/Rev.1), sponsored by Bolivia, Brazil, Canada, Ecuador, Germany (on behalf of the European Union), Guatemala, Namibia, Nigeria, Norway, Peru, Serbia, South Africa, Switzerland, Thailand and Zambia. (For the text, see chapter I, section B, draft resolution V.) Prior to the approval of the revised draft resolution, the representative of the United States stated that, according to his Government's understanding, one of the critical goals of juvenile justice was to ensure that offenders were held accountable for their conduct. Before the approval of the

revised draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex VIII.

129. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa" (E/CN.15/2007/L.16/Rev.1), sponsored by Algeria, Armenia, Azerbaijan, Bolivia, Brazil, Burkina Faso, Lesotho, Namibia, Nigeria, Romania, South Africa, the United Kingdom, Zambia and Zimbabwe. (For the text, see chapter I, section B, draft resolution VI.) Before the approval of the draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex IX.

Chapter V

Policy directives for the crime programme of the United Nations Office on Drugs and Crime

130. At its 7th and 8th meetings, on 26 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 6, entitled "Policy directives for the crime programme of the United Nations Office on Drugs and Crime". For its discussion of the item, the Commission had before it the following documents: (a) Report of the Executive Director on development, security and justice for all: opportunities and challenges (E/CN.7/2007/6-E/CN.15/2007/14); (b) Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2007/16).

131. The Director of the Division for Policy Analysis and Public Affairs made an introductory statement. The Commission heard a statement by the representative of Germany (on behalf of the States members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, as well as Iceland, Liechtenstein and Norway). Statements were also made by the representatives of Japan, South Africa, the United States and Canada.

A. Deliberations

132. In introducing the item, the Director of the Division for Policy Analysis and Public Affairs welcomed the views of delegations on the report of the Executive Director and referred to the strategy for the period 2008-2011 for UNODC. He also referred to the report of the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment (A/61/583) and to the related pilot exercise on "Delivering as one" being applied in two UNODC field offices.

133. One representative, speaking on behalf of a group of countries, expressed support for the crime prevention and criminal justice efforts of UNODC. He also advocated coordination with other United Nations agencies that would contribute to United Nations system-wide coherence in line with the recommendations of the High-level Panel.

134. The representative of Japan expressed the appreciation of his Government for the efforts of UNODC to keep Member States informed on efforts to improve its operations and efficiency. In particular, his Government supported the efforts of UNODC to widen partnerships with relevant international and regional organizations and civil society entities, while avoiding duplication of work. His Government welcomed the adoption of the strategy for the period 2008-2011 for UNODC and recognized the work of the Office on updating project templates and harmonizing them with the strategy. UNODC should consider institutionalizing a mechanism to follow up implementation of recommendations made by the Independent Evaluation Unit and to make them available to Member States. He expressed appreciation for the overall efforts of UNODC and noted that his

Government had decided to increase its voluntary contribution to the United Nations Crime Prevention and Criminal Justice Fund for the current year.

135. Citing the findings of the High-level Panel on United Nations System-wide Coherence, the representative of South Africa noted that the pattern of supply-driven funding undermined the principle of multilateralism and country ownership. In that context, she expressed appreciation for initiatives of UNODC to develop partnerships with major stakeholders. Her Government supported the work of UNODC in South Africa, especially with regard to victim support, prisons and drug abuse and HIV prevention. In particular, on behalf of her Government, she expressed the hope that the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa, would be implemented.

136. Another speaker urged UNODC to focus on its core mandates. In particular, the speaker noted that HIV interventions under the UNODC crime programme should focus on prisons and trafficking in human beings. She supported the work done by the crime programme in general, and especially that done in Africa on money-laundering and financing of terrorism. She called for using the Programme of Action, 2006-2010, on strengthening the rule of law and the criminal justice systems in Africa as a guide for future multilateral assistance. She expressed support for the Global Initiative to Fight Human Trafficking as it would increase awareness and funds to counter trafficking and cautioned that any conference on the issue must avoid attempts to monitor implementation of the Trafficking in Persons Protocol, as that lay under the purview of the Conference of the Parties to the United Nations Convention on Transnational Organized Crime.

137. The representative of Canada expressed the support of his Government for work done by UNODC on result-based management and institutional reform and praised the adoption of the strategy for the period 2008-2011 for UNODC as a way of making UNODC more efficient by increasing horizontal integration and partnerships and enhancing coordination. Recognizing that effort, his Government had chosen UNODC to be a key partner in implementing the multifaceted National Drug Control Strategy in Afghanistan. His Government looked forward to seeing an alignment between priorities as outlined in the strategy and resource allocation, as well as to the development of performance indicators for results outlined in the strategy and the strengthening of the project-evaluation culture by using a result-based management approach. His Government supported the focus by UNODC on areas where it could offer unique expertise, but called on UNODC to maintain the scope of its full mandate, recognizing its role on issues such as the rule of law, prevention and standards and norms, regardless of whether or not they fell under legally binding instruments.

B. Action taken by the Commission

138. At its 8th meeting, on 26 April 2007, the Commission on Crime Prevention and Criminal Justice unanimously recommended to the Economic and Social Council the appointment of Iskander Ghattas (Egypt) and Željko Horvatić (Croatia) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute. (For the text of the draft decision see chapter I, section C, draft decision II.)

Chapter VI

Strengthening the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions

139. At its 8th meeting, on 26 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 7, entitled "Strengthening the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions". For its consideration of the item, the Commission had before it the following documents:

(a) Report of the Executive Director on the outline of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime (E/CN.7/2007/12-E/CN.15/2007/15);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions on the outline of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime (E/CN.7/2007/13-E/CN.15/2007/13);

(c) Note by the Secretariat on the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime (E/CN.7/2007/14-E/CN.15/2007/5);

(d) Note by the Secretariat on the report of the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment (E/CN.7/2007/15-E/CN.15/2007/10);

(e) Note by the Secretary-General transmitting the report of the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment (A/61/583).

140. The Director of the Division for Policy Analysis and Public Affairs and the Director of the Division for Management of UNODC made introductory statements. The Commission heard statements by the representative of Germany (on behalf of the States members of the Eruopean Union and Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegrao, Serbia, the former Yogoslav Republic of Macedonia, Turkey and Ukraine, as well as Iceland, Liechtenstein and Norway) and by the observer for Peru (on behalf of the Group of Latin American and Caribbean States). A statement was made by the representative of Canada on behalf of the International Organization of la Francophonie. Statements were also made by the representatives of Japan, South Africa, the United Kingdom and the United States. Statements were also made by the observers for Cuba, Australia and Norway.

A. Deliberations

141. In their introductory statements, the representatives of UNODC referred to the report of the Independent Evaluation Unit on the evaluation of UNODC support mechanisms for technical cooperation and the report of the Office of Internal

Oversight Services on the inspection of programme management and administrative practices in UNODC, and responses by management to that report.

142. Several speakers welcomed the adoption of the strategy for the period 2008-2011 for UNODC, the report of the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment (A/61/583) and General Assembly resolution 61/252 of 22 December 2006, by which the Assembly had delegated budgetary authority to the Crime Commission. The efforts of UNODC to introduce result-based management, project cycle management and greater coordination and coherence were also noted with appreciation. With regard to the strategy, one speaker stressed the need to focus on results and for greater transparency in the use of general-purpose funds.

143. In the view of a number of representatives, the strategy for the period 2008-2011 would improve transparency, efficiency and management. The development by UNODC of an implementation plan for the strategy and the related performance indicators was advocated.

144. Several representatives expressed concern over the question of resources, noting that the majority of them were extrabudgetary. They also remained concerned about the declining general-purpose fund balance. The high level of earmarked funding did not give UNODC the flexibility to set priorities. More general-purpose funding was needed to enable UNODC to improve the planning and implementation of activities in accordance with its mandate. In the view of one representative, the budget of UNODC was disproportionately supply-driven, and that undermined effective multilateralism.

145. In order to improve the ratio between earmarked and non-earmarked funds, it was indispensable for UNODC to provide donors with clear and transparent information on the use of general-purpose funds and the results attained. Improvements made by UNODC in increasing transparency in the use of general-purpose funds, cost-efficiency and savings were acknowledged. One speaker called for greater efficiency and for greater coordination with other entities in the United Nations system. One speaker asked for further improvements in the transparency of the budgetary information, including an annual financial statement and plan. He also asked that the budget for the biennium 2008-2009 be accompanied by a compendium of projects categorized in accordance with the result areas agreed in the strategy for the period 2008-2011. Another speaker asked for clarification on the uneven application of the 13-per-cent rule for programme support costs and on the use of those funds.

146. Several speakers supported the efforts of UNODC to broaden its donor base, especially for general-purpose funding, and to ensure adequate, predictable and stable funding for its activities. One speaker expressed concern about the use of the phrase "subject to extrabudgetary resources" and the impact of a zero-growth regular budget on the work of UNODC.

147. Another speaker, speaking on behalf of the International Organization of la Francophonie, called attention to the need to provide technical assistance in the language of the beneficiary country, if possible, and, in particular, to ensure that all capacity-building materials were made available in all the official languages of the United Nations. Speakers commended the Terrorism Prevention Branch for

presenting information on the UNODC website in the working languages of the Secretariat.

148. One speaker, referring to the use of language in draft resolutions that limited their implementation to the availability of extrabudgetary resources, noted his Government's opposition to the utilization of such language. He noted that such a provision went beyond the mandate of the Commission and violated several General Assembly resolutions that recognized the exclusive budgetary authority of the Fifth Committee. The use of that language was intended to prevent an expansion of the regular budget and, in particular, to impede the use of the Contingency Fund. Another speaker noted that he was unable to understand the reservations expressed about the utilization of such language.

149. One speaker expressed support for the continuing efforts of UNODC to integrate responses to drugs and crime and strongly encouraged the Office to continue initiatives such as strategic planning, integrity, result-based budgeting, project cycle management, knowledge management, evaluation and financial management. In recognition and support of that effort, the Government of Australia had decided to increase its contribution to the general-purpose fund. In addition to providing core funding, the Government of Australia had contributed to specific drug- and crime-related activities in Asia and the Pacific. In that respect, the speaker noted that projected funding for Asia and the Pacific in the consolidated budget for the biennium 2008-2009 was less than that for other regions and urged other donors to provide greater support for UNODC initiatives in that region.

150. One speaker suggested a number of ways to strengthen the effectiveness of the Commission on Crime Prevention and Criminal Justice as a governing body of UNODC. In particular, he stressed the need for greater expertise and a balance between specific crime and social prevention issues addressed by the Commission. He also referred to the need for a balance between the diplomatic and substantive aspects of the work of the Commission. He expressed concern that the expert component of the composition and the work of the Commission had been eroded. He stressed the need for more efficient management of the agenda and for the selection of a single thematic issue for each session of the Commission. A suggestion was made that the theme for the upcoming Twelfth United Nations Congress on Crime Prevention and Criminal Justice should be discussed during the informal pre-session consultations to be held prior to the seventeenth session of the Commission.

151. Some representatives expressed concern about the delay in sharing the reports of the Office of Internal Oversight Services and the Independent Evaluation Unit with the Commission. Two speakers gave preliminary comments on those reports and the related management responses. They encouraged UNODC to adopt a constructive approach to the pertinent recommendations contained in the reports and looked forward to an opportunity in the near future to further discuss the reports and hear how UNODC intended to implement their recommendations. One speaker welcomed the recommendation of the Office of Internal Oversight Services with respect to the consolidation and rationalization of planning documents, including those pertaining to the budget.

152. Responding to comments made by Member States, including those on the delay in sharing the reports with the Commission, the secretariat assured the

Commission that special briefings on each of the two reports would be held for all Member States in the near future.

B. Action taken by the Commission

153. At its 10th meeting, on 27 April 2007, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime" (E/CN.15/2007/L.2), sponsored by Afghanistan, Algeria, Cameroon, Canada, Colombia, Ecuador, Germany (on behalf of the European Union), Guatemala, Indonesia, Japan, Malaysia, Mexico, Morocco, Namibia, Nigeria, Peru, the Republic of Korea, Serbia, Switzerland, Thailand, the United States and Venezuela (Bolivarian Republic of). (For the text, see chapter I, section B, draft resolution I.)

154. At the same meeting, the Commission adopted a draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body" (E/CN.15/2007/L.11). (For the text, see chapter I, section D, resolution 16/3.) Before the adoption of the draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex X.

155. At the same meeting, the Commission adopted a draft resolution entitled "Budget outline for the biennium 2008-2009 for the United Nations Crime Prevention and Criminal Justice Fund" (E/CN.15/2007/L.12). (For the text, see chapter I, section D, resolution 16/4.)

Chapter VII

Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

156. At its 8th meeting, on 26 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 8, entitled "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice". For its consideration of the item, the Commission had before it the following documents:

(a) Report of the meeting of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, held in Bangkok from 15 to 18 August 2006 (E/CN.15/2007/6);

(b) Reporting checklist developed by the Government of Thailand on the implementation of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice (E/CN.15/2007/CRP.1).

157. The Commission heard statements by the representatives of Peru (on behalf of the Group of Latin American and Caribbean States), Canada, the Republic of Korea, the United States of America and Thailand. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders also made a statement. A statement was also made by the representative of Canada in her capacity as rapporteur of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice.

A. Deliberations

158. The Director of the Division for Treaty Affairs recalled Economic and Social Council resolution 2006/26 of 27 July 2006, in which the Council reiterated its invitation to Governments to implement the outcome of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, as embodied in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice. She noted that the Council, in its resolution, had requested UNODC to convene an intergovernmental group of experts to discuss the Eleventh Congress and previous congresses in order to accumulate and consider lessons learned, with the objective of developing a methodology to build on such lessons for use by future congresses. She provided a brief account of the outcome of the meeting of the Intergovernmental Group of Experts, held in Bangkok from 15 to 18 August 2006. Reporting on the consultations with the four Governments that had offered to host in 2010 the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, she informed the Commission that the Governments of Burkina Faso and Pakistan had withdrawn their candidacies, the latter in favour of Qatar. She noted that the Governments of Brazil and Qatar were engaged in consultations, which, it was hoped, would come to an expeditious

conclusion in order for the Commission to be able to recommend, through the Council, for adoption by the General Assembly, a draft decision on the hosting of the Twelfth Congress.

159. Several speakers welcomed the adoption of the Bangkok Declaration and stressed the importance of its effective follow-up. They also commended the development of a checklist offered by the Government of Thailand as a sample of a tool for ensuring follow-up to the Bangkok Declaration. In that respect, some speakers highlighted the usefulness of a voluntary self-assessment process and of avoiding a questionnaire-based approach or duplication with other existing information-gathering or follow-up mechanisms. The importance of technical assistance provided by UNODC to developing countries in implementing the Bangkok Declaration was also emphasized.

160. One speaker provided a brief outline of the salient features of the report of the Intergovernmental Group of Experts (E/CN.15/2007/6). Speakers expressed appreciation for the work of the Group and commended its report, and expressed general support for its conclusions and recommendations. It was noted that the objective of the meeting was to develop a methodology for capturing lessons learned from previous congresses in order better to prepare for, conduct and follow up on future congresses. Speakers reiterated the importance of early preparations for future congresses, selection of the host country and engagement of the Commission, to be reflected in a multi-year programme of work. In that respect, it was noted that early preparations aimed at determining the theme, substantive agenda items, workshop topics and adequate time allocation would ensure a more focused agenda. Some speakers made concrete proposals for the next congress on each of those elements.

161. Several speakers stressed the importance of regional preparatory meetings as a way to reflect regional concerns in the preparatory process of future congresses. One speaker expressed the view that the intersessional meetings of the Commission were a more appropriate venue and offered a more cost-effective means of raising regional concerns and carrying out the preparatory process.

162. Noting the pivotal role and functions of the host country, both during the planning stages and the congress itself, speakers expressed the wish that ongoing consultations on the host of the Twelfth Congress would come to an expeditious conclusion.

B. Action taken by the Commission

163. At its 10th meeting, on 27 April 2007, the Commission recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly entitled "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice" (E/CN.15/2007/L.8), sponsored by Argentina, Brazil, Chile, China, Colombia, Indonesia, Iran (Islamic Republic of), Kuwait, Mexico, Peru, Qatar, Thailand and the United Arab Emirates. (For the text, see chapter I, section A, draft resolution I.) Before the approval of the draft resolution, a representative of the Secretariat read a financial statement, the text of which is contained in annex XI. Following the approval of the draft

resolution, the First Vice-Chairman of the Commission and Chairman of the Committee of the Whole made a statement with reference to operative paragraph 6 of the draft resolution, bringing to the attention of the Commission the discussion in the Committee concerning the fact that the Government of Brazil and Qatar would continue consultations on the hosting of the Twelfth Congress with a view to reaching an agreement by the sixty-second session of the General Assembly and that, should a compromise not be found, the Assembly would take appropriate action according to its rules of procedure. The representative of the United States made a statement noting his Government's disappointment with the decision to hold regional preparatory meetings in advance of the Twelfth Congress, which, in his view, did not reflect an efficient utilization of the resources of the regular budget of the United Nations, as well as his Government's disappointment with the failure to insert language to mitigate any potential financial implications of the draft resolution. He also stated that, while his Government would not block the consensus achieved by the Commission on the draft resolution, it wished to disassociate itself from that consensus.

Chapter VIII

Provisional agenda for the seventeenth session of the Commission

164. At its 9th and 10th meetings, on 27 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 9, entitled "Provisional agenda for the seventeenth session of the Commission". For its consideration of the item, the Commission had before it a draft decision submitted by the Chairman on the report of the commission on Crime Prevention on its sixteenth session and provisional agenda and documentation for its seventeenth session (E/CN.15/2007/L.17).

165. The Chairman of the Commission made a statement. The Commission also heard statements by the representative of Namibia (on behalf of the States Members of the United Nations that are members of the Group of African States) and the observer for Peru (on behalf of the Group of Latin American and Caribbean States). Statements were also made by the representatives of the United States, the Islamic Republic of Iran, Canada, the United Kingdom and Germany (on behalf of the European Union).

A. Deliberations

166. Following an introductory statement by the Chairman, the Commission, taking into account the experience of the thematic discussion at its sixteenth session, considered aspects related to the substance of the draft provisional agenda for its seventeenth session and the related organization of work, as well as the topic for the thematic discussion at its seventeenth session and proposals for its eighteenth session.

167. The Commission agreed that the thematic discussion at its seventeenth session should focus on a single topic, violence against women and that, during its intersessional period, it should consider sub-themes that could be the focus of special attention at the thematic discussion. The format for future thematic discussions should also be reconsidered during the intersessional period, to enable a meaningful discussion of the chosen topic.

168. It was noted that two proposals on topics for the thematic discussion at the eighteenth session of the Commission had been made, on the improvement of access to legal aid in criminal justice systems, particularly in Africa, and on economic fraud and identity-related crime, which had initially been reflected in draft resolutions E/CN.15/2007/L.16/Rev.1 and E/CN.15/2007/L.4, respectively. The Commission agreed that, at its intersessional meetings, it should conduct a discussion on the topics for the thematic debate at its eighteenth session and that it should take a decision on that matter at its seventeenth session, in 2008. In that connection, the Chairman of the Commission made a statement noting that the Commission understood that, in addition to those themes already proposed as potential topics for the thematic discussion at its eighteenth session, other topics could emerge and be considered during the intersessional period.

169. The representative of the Islamic Republic of Iran stated his Government's view that topics for thematic discussions at future sessions of the Commission could be discussed in the intersessional period. The inclusion of potential topics in draft resolutions should not preclude the Commission from considering, at its intersessional meetings, other potential topics for future thematic discussion.

170. With reference to the workshop of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network that had been held for several years in the context of the first meeting of the Committee of the Whole, a number of representatives noted the value and positive contribution that the workshop had made to the work of the Commission. The Commission agreed that the workshop should, if possible, be continued and that it should continue to take place in the context of the first meeting of the Committee of the Whole, at a meeting to be organized on the morning of the first day of the session, prior to the informal consultations of the Committee of the Whole on draft resolutions.

B. Action taken by the Commission

171. At its 10th meeting, on 27 April 2007, the Commission recommended to the Economic and Social Council the adoption of a draft decision entitled "Report of the Commission on Crime Prevention and Criminal Justice on its sixteenth session and provisional agenda and documentation for its seventeenth session" (E/CN.15/2007/L.17), as orally amended, on the understanding that at the intersessional meetings of the Commission, the provisional agenda would be finalized following consideration of the above-mentioned proposals. (For the text, see chapter I, section C, draft decision I.)

172. At the same meeting, on 27 April 2007, the Commission recommended to the Economic and Social Council the adoption of a draft decision entitled "Topic for the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008" (E/CN.15/2007/L.14), sponsored by Albania, Australia, Canada, Germany (on behalf of the European Union), Indonesia, Kuwait, Malaysia, Mexico, Morocco, Namibia, Norway, Peru (on behalf of the Group of Latin American and Caribbean States), the Republic of Korea, Serbia, Switzerland and the United States. (For the text, see chapter I, section C, draft decision III.)

Chapter IX

Other business

173. At its 10th meeting, on 27 April 2007, the Commission on Crime Prevention and Criminal Justice considered agenda item 10, entitled "Other business". The representative of Namibia (on behalf of the Group of African States) made a statement welcoming the emphasis that UNODC placed on Africa, particularly with respect to promoting access to legal aid, in the context of increased cooperation with the African Union. She also referred to the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime approved by the Commission as an instrument to equip UNODC to better perform its work.

Chapter X

Adoption of the report of the Commission on its sixteenth session

174. At its 10th meeting, on 27 April 2007, the Commission adopted by consensus the report on its sixteenth session (E/CN.15/2007/L.1 and Add.1-6), as orally amended.

Chapter XI

Organization of the session

A. Informal pre-session consultations

175. In the light of the experience of holding informal pre-session consultations prior to the fifteenth session of the Commission, in 2006, the Commission, at its intersessional meeting held on 1 September 2006, agreed that its sixteenth session should be preceded by one day of informal pre-session consultations, to be held on 20 April 2007, to consult on draft resolutions made available in advance and to review other matters arising from the draft provisional agenda of the session.

176. One meeting of informal pre-session consultations, chaired by Chairman designate of the Commission, Shahbaz (Pakistan), was held on 20 April 2007. At the meeting, participants considered organizational arrangements and the draft programme of work of the sixteenth session of the Commission, including arrangements for the thematic discussion, conducted a preliminary review of draft resolutions that had been made available in advance of and at the meeting and considered related budgetary and financial matters and the draft provisional agenda for the seventeenth session of the Commission. It was suggested that future informal pre-session consultations of the Commission could devote time to the preparations for the Twelfth Congress, as well as to the draft provisional agenda, themes for thematic discussion and other substantive matters relating to items of the agenda of the Commission.

B. Opening and duration of the session

177. The Commission on Crime Prevention and Criminal Justice held its sixteenth session in Vienna from 23 to 27 April 2007. The Commission held 10 meetings. The Chairman of the Commission opened the session and delivered an opening statement. The Executive Director of UNODC, the Prosecutor General of China and the Deputy Prosecutor General of Japan made opening statements. At its opening meeting, the Commission was also addressed by the observer for the Sudan (on behalf of the Group of 77 and China), the representative of Namibia (on behalf of the Group of African States), the observer for Peru (on behalf of the Group of Latin American and Caribbean States) and the representative of Germany (on behalf of the States members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, as well as Iceland, Liechtenstein and Norway). Statements were also made by the representatives of China, Japan, the United States, Costa Rica, the United Arab Emirates, Moldova (on behalf of Georgia, Ukraine, Azerbaijan and Moldova), Indonesia, Brazil and Armenia. The observers for Morocco and Croatia also made statements.

C. Attendance

178. The sixteenth session was attended by representatives of 35 States members of the Commission. Also attending were observers for 73 other States Members of the United Nations, 1 non-member State, 21 entities of the United Nations system and institutes of the United Nations Crime Prevention and Criminal Justice Programme network, 8 intergovernmental organizations and 38 non-governmental organizations in consultative status with the Economic and Social Council. A list of participants is contained in annex I to the present report.

D. Election of officers

179. The Chairman of the Commission recalled that, in its resolution 2003/31 of 22 July 2003, entitled "Functioning of the Commission on Crime Prevention and Criminal Justice", the Economic and Social Council had decided that, with effect from 2004, the Commission should, at the end of its session, elect its bureau for the subsequent session and encourage it to play an active role in the preparation of the regular as well as the informal intersessional meetings of the Commission.

180. It was noted that, in accordance with Economic and Social Council resolution 2003/31 and rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council, immediately following the closure of its fifteenth session, on 28 April 2006, the Commission had held a meeting of the sixteenth session for the sole purpose of electing the new chairman and other members of the bureau. On that occasion, the Commission elected as its Rapporteur Yves Beaulieu (Canada), who later became unavailable.

181. It was noted that, during the intersessional period, the Group of Asian States had nominated Shahbaz (Pakistan) for the post of Chairman designate, the Group of African States had nominated Olawale Maiyegun (Nigeria) for the post of First Vice-Chairman designate, the Group of Eastern European States had nominated Jivan Tabibian (Armenia) for the post of Second Vice-Chairman designate, the Group of Latin American and Caribbean States had nominated Luis Alberto Padilla (Guatemala) for the post of Third Vice-Chairman designate and the Group of Western European and other States had nominated David Nelson (Canada) as Rapporteur designate.

182. At its opening meeting, on 23 April 2007, in accordance with Economic and Social Council resolution 2003/31 and rules 15 and 19 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission elected the following bureau for the sixteenth session:

Chairman: Shahbaz (Pakistan)

First Vice-Chairman: Olawale Maiyegun (Nigeria)

Second Vice-Chairman: Jivan Tabibian (Armenia)

Third Vice-Chairman: Luis Alberto Padilla (Guatemala)

Rapporteur: David Nelson (Canada)

183. A group composed of the chairmen of the five regional groups (the representatives of Namibia and India and the observers for Slovakia, Peru and Portugal), as well as the observer for the Sudan (on behalf of the members of the Group of 77 and China) and the representative of Germany (on behalf of the

European Union), was established to assist the Chairman of the Commission in dealing with organizational matters. That group, together with the elected officers, constituted the extended bureau foreseen in Economic and Social Council resolution 2003/31. During the sixteenth session of the Commission, the extended bureau met on 24 and 26 April 2007 to consider matters related to the organization of work.

E. Adoption of the agenda and organization of work

184. At its 1st meeting, on 23 April 2007, the Commission adopted by consensus its provisional agenda (E/CN.15/2007/1), which had been approved by the Economic and Social Council in its decision 2006/239 of 27 July 2006. The Commission also adopted by consensus the annotations to the provisional agenda and its organization of work, contained in the same document. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Thematic discussions:
    (a) Crime prevention and criminal justice responses to urban crime, including gang-related activities:
        (i) Preventive measures, including community-based responses;
        (ii) Criminal justice responses, including international cooperation;
    (b) Effective crime prevention and criminal justice responses to combat sexual exploitation of children; sharing of successful practices to combat sexual exploitation of children through:
        (i) Crime prevention responses;
        (ii) Criminal justice responses;
        (iii) International cooperation.
4. World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:
    (a) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime;
    (b) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption;
    (c) Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the international instruments to prevent and combat terrorism.
5. Use and application of United Nations standards and norms in crime prevention and criminal justice.

6. Policy directives for the crime programme of the United Nations Office on Drugs and Crime.

7. Strengthening the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions.

8. Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

9. Provisional agenda for the seventeenth session of the Commission.

10. Other business.

11. Adoption of the report of the Commission on its sixteenth session.

F. Documentation

185. The documents before the Commission at its sixteenth session are listed in annex XII to the present report.

G. Closure of the session

186. At the 9th and 10th meetings, on 27 April 2007, closing statements were made by the Executive Director of UNODC, the Chairman of the Commission and the representatives of Namibia (on behalf of the African Group), India (on behalf of the Asian Group) and Germany (on behalf of the European Union) and the observer for Peru (on behalf of the Group of Latin American and Caribbean States).

187. In their statements, speakers expressed their Groups' appreciation for the work of the extended bureau, in particular, to the Chairman, the First and Third Vice-Chairmen, as well as the Rapporteur of the Commission. They also expressed appreciation to the Secretariat for its efficiency and the excellent quality of service, including documentation, presentations and substantive secretariat support, provided to the Commission in the conduct of its work. Special mention was made of the efforts by the Chairmen of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs to enable the development of the strategy for the period 2008-2011 for UNODC, which each Commission had approved and recommended for adoption by the Economic and Social Council.

Annex I

Attendance

Members*

Argentina	Eugenio María Curia, Juan Félix Marteau, Betina Pasquali de Fonseca, Esteban Marino
Armenia	Jivan Tabibian, Armen Yeritsyan, Vardan Muradyan, Azniv Movsesyan
Austria	Thomas Stelzer, Johann Fröhlich, Bettina Kirnbauer, Getraud Eppich, Robert Sattler, Herwig Lenz, Thomas Baier, Larissa Borovcnik, Michael Scheibenreif, Johanna Weberhofer, Anita Zielowski
Bolivia	Horacio Bazoberry, María Lourdes Espinoza Patiño, Paul Marca Paco, Julio Mollinedo Claros
Brazil	Celso Marcos Vieira de Souza, Carmen Lidia Richter Ribeiro Moura, Rodrigo Carneiro Gomes, Marco Cesar Moura Daniel, Carolina Yumi de Souza, Márcio Rebouças
Cameroon	Charles Tchatchouang
Canada	Donald K. Piragoff, Marie Gervais-Vidricaire, Lucie Angers, David Nelson, Terry Wood, Christopher Ram, Jocelyn Sigouin, Mary-Anne Kirvan, Kim Cowan
Chile	Milenko Skoknic Tapia, Eduardo Schott Stolzenbach, Rosa Meléndez Jiménez, Héctor Muñoz, Juan Carlos Salazar, Nelly Salvo Ilabel
China	Jia Chunwang, Tang Guoqiang, Kang Yu, Ye Feng, Xu Xiangchun, Wang Dong, Shi Zhongjun, Zhang Ming, Sun Yong, Qiao Huijun, Yin Haigang, Xu Zhongsheng, Wu Chunlai, Yin Jianzhong, Guo Jing, Song Jinying, Li Xinming
Colombia	Rosso José Serrano Cadena, Ciro Alfonso Arévalo Yepes, Alfredo Gomez Quintero, Sergio Restrepo Otalora, Isaura Duarte Rodríguez, Julián Hipólito Pinto Galvis
Costa Rica	Ana Teresa Dengo Benavides, Lydia María Peralta Cordero, Carol Viviana Arce Echeverría

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* The Comoros, the Democratic Republic of Congo, the Niger, Sierra Leone and Uganda were not represented at the session.

Germany	Peter Gottwald, Juergen Bubendey, Anke Bergmann, Martina Hackelberg, Nicole Zuendorf-Hinte, Dieter Potzel, Ursula Elbers, Christoph Klose, Gabriele Wunsch, Daniel Tabatabai
Guatemala	Luis Alberto Padilla, Sandra Noriega, Sylvia Wohlers de Meie
India	Sheel Kant Sharma, Anita Chaudhary, A. N. Roy, Anup Kumar Mudgal, Rajnikant Mishra, Rajagopal Vedantachari, R. K. S. Joshi
Indonesia	Triyono Wibono, Eddy Pratomo, Parman Soeparman, Sujatmiko, Satria Firdaus Maseo, Listyowati, Hasan Malik, Dian Kusumaningsih, Andreano Erwin, Ridwan Mansyur, Mochamad Bayu Pramonodjati, Elsa Miranda
Iran (Islamic Republic of)	Lai Asghar Soltanieh, Hossein Panahi Azar, Ali Hajigholam Saryazdi, Bahram Heidari
Italy	Gabriele de Ceglie, Alessandro Azzoni, Enrico Valvo, Fausto Zuccarelli, Fabrizio Gandini, Francesco Troja, Giovanni Cangelosi, Alessandra de Angelis, Nicola Maiorano
Jamaica	Simeon Robinson, Allan Campbell
Japan	Tomoyuki Yokota, Shigeki Sumi, Hiroshi Kikuchi, Akihiko Uchikawa, Taro Higashiyama, Masayoshi Kanda, Shintaro Sekiguchi, Hideyuki Hirosawa, Keiichi Aizawa, Kayo Ishihara, Shingo Nakagawa, Naoyuki Yasuda, Shota Kamishima
Libyan Arab Jamahiriya	Khaled Omran Al-Raqobi, Abdelhamid Almehdi Abokraa, Amer Mohammad El-Forjani
Moldova	Victor Postolachi, Radu Plamadeala
Namibia	Selma Ashipala-Musavyi, Issaskar V. K. Ndjoze, Pendapala Naanda
Nigeria	Biodun Owoseni, C. N. Ndaguba, K. L. Ekedede, Olawale Maiyegun, S. U. Haruna, E. O. Oguntuyi, Celestine Uwakwe Abugu
Pakistan	M. Shahbaz, Syed Hyder Shah, Sajid Bilal, Ahmed Mukarram, Ishtiak Ahmed Akil
Republic of Korea	Sung-hwan Kim, Hee-chul Hwang, Byung-ho Kim, Moon-hwan Kim, Tae-ick Cho, Hyong-won Bae, Song-won Jeon, Jun-pyo Kim, Tae-hoon Lee, Joon-oh Jang

Russian Federation	Alexander V. Zmeyevskiy, Victor I. Zagrekov, Sergey P. Bulavin, Aleksey I. Chervontsev, Anatoly K. Kobzev, Arkady B. Agashin, Oleg P. Sidorov, Aleksey M. Polkovnikov, Ivan A. Parfenov, Kristina P. Borisova, Valery A. Kolodyazhny, Eduard V. Lokotunin, Ernest V. Chernukhin, Alla B. Nanieva, Elena V. Lyubimova
Saudi Arabia	Mohammad Al-Mehaizea, Omar Bin Mohammed Kurdi, Mutlaq Bin Saleh Al-Dabjan, Misfer Al-Kahtani, Hamad S. Al-Natheer, Abdullah Bin Naser Al-Sharif, Jamal Nasef, Sultan Bin Abdulaziz Al-Angari
Senegal	Moustapha Ka
South Africa	J. Sishuba, Lm Gumbi, T. Motseki, G. Olivier, Bes Steyn, Nico Jacobs, Susan Pienaar, John Makhubele, Abram Lingwati, K. Pillay, A. Ackermann, Ntombodidi Tshotsho, D. Manana, M. A. Mogadingwane
Turkey	Ahmet Ertay, Ayse Ayhan Asya, Nehir Ünel, Sibel Müderrisoglu, Necdet Buz, Erhan Akcay
Ukraine	V. Marmazov, I. Yemelyanova, V. Mischenkov, D. Prokofeva, A. Gutovskyi
United Arab Emirates	Abdulrahim Alawadi, Ahmed Ebrahim Al Hosani, Abdulah Saif Alshamsi, Yousuf Foolad, Ali Rajab Ahmed, Hassan Rashed Al Shamesi, Mohamed Alrazzooqi, Ahmed Ali Alhashimi, Ismail D. Albaloshi, Ali Al Marzooki
United Kingdom of Great Britain and Northern Ireland	Peter Storr, John Macgregor, Jonathan Allen, Alison Crocket, Joe Preston, Alistair Noble, Faiza Tayab, Cheryl Eedes, Tony Buck
United Republic of Tanzania	Peter Kivuyo, Lawrence K. N. Kaduri, Irene F. M. Kasyanju, Rogers W. Siyanga, Baraka H. Luvanda
United States of America	Elizabeth Verville, George Glass, John Bargeron, Paul Almanza, Thomas Burrows, Christine Cline, Charles Finfrock, Eleanor Gaetan, Aimee Martin, Laura McKechnie, Virginia Prugh, Ellen Shaw, Cindy Smith, Howard Solomon, C. Scott Thompson, James Vigil

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Angola, Australia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Greece, Guinea, Hungary, Iraq, Ireland, Jordan, Kenya, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Mongolia, Morocco, Netherlands, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Serbia, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Non-member States represented by observers

Holy See

Entities represented by observers

Palestine

United Nations Secretariat

Office of Internal Oversight Services, United Nations Office on Drugs and Crime

United Nations bodies

Office of the United Nations High Commissioner for Refugees, United Nations Human Settlements Programme

United Nations research institutes

United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, Australian Institute of Criminology, International Institute of Higher Studies in Criminal Sciences, Naif Arab University for Security Sciences, National Institute of Justice of the United States Department of Justice, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, International Centre for the Prevention of Crime, Korean Institute of Criminal Justice Policy, International Scientific and Professional Advisory Council

Specialized agencies and other organizations in the United Nations system

International Atomic Energy Agency

Other intergovernmental organizations represented by observers

Council of Arab Ministers of the Interior, Asian-African Legal Consultative Organization, Council of the European Union, European Commission, International Association of Anti-Corruption Authorities, International Organization for Migration, League of Arab States, Organization for Security and Cooperation in Europe

Other entities maintaining permanent observer offices

International Federation of Red Cross and Red Crescent Societies, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, Friends World Committee for Consultation, International Alliance of Women, International Council of Women, International Federation of Business and Professional Women, Muslim World League, Soroptimist International, World Confederation of Labour, Zonta International

Special consultative status: Academy of Criminal Justice Sciences, African Action on AIDS, Coalition against Trafficking in Women, Defence for Children International, International Association of Judges, International Association of Penal Law, International Association of Prosecutors, International Bureau for Children's Rights, International Commission of Catholic Prison Pastoral Care, International Corrections and Prisons Association for the Advancement of Professional Corrections, International Council of Jewish Women, International League for Human Rights, International Police Association, International Society of Social Defence, IUS PRIMI VIRI International Association, Japan Federation of Bar Associations, Libera-Associazione, nomi e numeri contro le mafie, Medical Women's International Association, National Association of Criminal Defense Lawyers, National Center for State Courts, National Council of German Women's Organizations, Pax Romana, Penal Reform International, Prison Fellowship International, Salvation Army, Socialist International Women, World Society of Victimology

Roster: Environmental Investigation Agency, SOS Attentats

(d) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to intensify its efforts to provide Member States with technical assistance, upon request, to strengthen international cooperation in preventing and suppressing terrorism by facilitating the implementation of the international conventions and protocols related to terrorism, in particular by training criminal justice officials on the implementation of those international instruments, such as through specialized training sessions and specialized technical tools and publications, in close coordination with the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force;

(e) Recognize the importance of the development and maintenance of fair and effective criminal justice systems, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international law as a fundamental basis of any strategy to counter terrorism, and request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, whenever appropriate, to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

(f) Request the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and its Executive Directorate, to continue to work with international organizations and relevant entities of the United Nations system, as well as with regional and subregional organizations, in the delivery of technical assistance, whenever appropriate and within its mandate, specifically, to enhance legal cooperation, good practices and legal training in the area of counter-terrorism.

4. To implement the activities requested in operative paragraphs 1-6, the United Nations Office on Drugs and Crime would need to: (a) undertake an increased level of technical assistance to those countries requesting such assistance and conduct an increased number of specialized training sessions; (b) cover in-depth increased substantive elements in the overall counter-terrorism programme activities; (c) elaborate an increased number of specialized technical tools and publications; (d) ensure the inclusion, in its technical assistance activities in counter-terrorism, of elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law; (e) coordinate the expanded work with the Counter-Terrorism Committee and its Executive Directorate; and (f) coordinate and cooperate with partner entities at the international, regional and subregional levels.

5. The requests contained in operative paragraphs 1-6 of the draft resolution, as orally amended, would call for an increase in the level of the provision of technical assistance for implementing the international conventions and protocols related to terrorism, as well as an increase in the level of voluntary contributions for that purpose. It should be recalled that the level of voluntary contributions received by the United Nations Office on Drugs and Crime in 2006 for the activities related to the prevention of terrorism amounted to $6.1 million. The level of extrabudgetary requirements for 2007 was estimated at $8 million. Hence, should the General Assembly adopt the draft resolution recommended by the Commission through the Economic and Social Council, the implementation of the activities set out in paragraphs 1-6 of the draft resolution, as orally amended, would be subject to extrabudgetary resources.

6. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex IV

Financial statement on the draft resolution entitled "International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 6, 14, 17 and 20 of the draft resolution, as orally amended, the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council:

(a) Request the Secretary-General to disseminate the report as widely as possible, pursuant to the conclusions and recommendations contained in the report;

(b) Request the United Nations Office on Drugs and Crime to provide, upon request and subject to extrabudgetary resources, legal expertise or other forms of technical assistance to Member States reviewing or updating their laws dealing with transnational fraud and identify-related crime, in order to ensure that appropriate legislative responses to such offences are in place;

(c) Encourage the promotion of mutual understanding and cooperation between public and private sector entities through initiatives aimed at bringing together various stakeholders and facilitating the exchange of views and information among them, and request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to facilitate such cooperation, in consultation with the secretariat of the United Nations Commission on International Trade Law, pursuant to Economic and Social Council resolution 2004/26 of 21 July 2004;

(d) Request the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its eighteenth session, on the implementation of the present resolution.

3. With respect to the requests contained in operative paragraphs 6 and 20, resources for the substantive services associated with the implementation of those activities were already included in the programme of work of subprogramme 2, Services for policy-making and treaty adherence, of section 16, International drug control, crime prevention and criminal justice, of the programme budget for the biennium 2006-2007.

4. As concerns the requests contained in operative paragraphs 14 and 17, it is envisaged that the provision of technical assistance would entail additional extrabudgetary resources in the amount of $281,100 to provide for temporary assistance and consultancy work, as well as travel of staff. Should the Economic and Social Council, upon the recommendation of the Commission, adopt the draft

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* For the text of the draft resolution, which originally appeared under the symbol E/CN.15/2007/L.4, see chapter I, section B, draft resolution II. For the discussion, see chapter III, section A.

resolution, as orally amended, the implementation of the related activities would be subject to extrabudgetary resources.

5. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex V

Financial statement on the revised draft resolution entitled "Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraph 2 of the revised draft resolution, the Commission on Crime Prevention and Criminal Justice would request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to assist the Government of Romania in focusing the theme and controlling the quality of the preparations for the third Summit.

3. It is envisaged that implementation of the requested technical assistance activities would entail additional extrabudgetary resources in the amount of $61,900 to provide for consultancy work, as well as for travel of staff. Should the Commission adopt draft resolution E/CN.15/2007/L.15, the implementation of the related activities would be subject to extrabudgetary resources.

4. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2007/L.15/Rev.1, see chapter I, section D, resolution 16/5. For the discussion, see chapter III, section A.

[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex VI

Financial statement on the draft resolution entitled "Information-gathering instrument in relation to United Nations standards and norms in crime prevention and criminal justice"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 4, 5, 7, 8 and 9 of the draft resolution, as orally amended, the Commission would recommend that the Economic and Social Council:

(a) Approve the questionnaire on United Nations standards and norms related primarily to victim issues, contained in the annex to the present resolution, which is designed to identify examples of how individual States use and apply the relevant standards and norms, but such examples are not intended to provide standards of use and application that would necessarily be suitable for all States;

(b) Request the Secretary-General to forward the questionnaire to Member States;

(c) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to seek information from relevant intergovernmental and non-governmental organizations, within the mandate of the Commission on Crime Prevention and Criminal Justice, and from the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant United Nations entities with respect to their capacity to provide technical assistance in relation to the areas outlined in the questionnaire;

(d) Request the Secretary-General to convene, subject to extrabudgetary resources and subject to the outcome of discussions at the second session of the Conference of the States Parties to the United Nations Convention against Corruption on its information-gathering mechanism, an open-ended intergovernmental meeting of experts, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design an information-gathering instrument in relation to the fourth category of United Nations standards and norms in crime prevention and criminal justice, namely, those related primarily to the independence of the judiciary and the integrity of criminal justice personnel, building on the experience gained from the information-gathering exercises completed to date, in particular in relation to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, and ensuring that there is no duplication or overlap between the information-gathering instrument and the work covered by existing mechanisms and working groups;

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* For the text of the draft resolution, which originally appeared under the symbol E/CN.15/2007/L.5, see chapter I, section B, draft resolution III. For the discussion, see chapter IV, section A.

(e) Request the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighteenth session on the basis of information gathered using the questionnaire referred to in operative paragraph 5, on the use and application of United Nations standards and norms related primarily to victim issues, in particular with regard to the following areas:

(i) Examples of difficulties encountered in the application of United Nations standards and norms related primarily to victim issues;

(ii) Examples of ways in which technical assistance can be provided to overcome those difficulties;

(iii) Examples of useful practices in addressing existing and emerging challenges in that field;

(iv) Suggestions from Member States on ways to further improve existing standards and norms related primarily to victim issues if Member States add such comments to their responses to the questionnaire.

3. Resources for the substantive services associated with the implementation of the activities requested in operative paragraphs 4, 5, 7, 8 and 9 of the draft resolution, as orally amended, were already included in the programme of work of subprogramme 2, Services for policymaking and treaty adherence, of section 16, International drug control, crime prevention and criminal justice, of the programme budget for the biennium 2006-2007.

4. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex VII

Financial statement on the revised draft resolution entitled "Strengthening basic principles of judicial conduct"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 4-8 and 11 of the revised draft resolution, the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council:

(a) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to translate the commentary on the Bangalore Principles of Judicial Conduct into all official languages of the United Nations and to disseminate it to Member States, international and regional judicial forums and appropriate organizations;

(b) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources and in line with the recommendations of the intergovernmental expert group, to continue its work aimed at developing a guide on strengthening judicial integrity and capacity and circulate the guide to Member States for comments;

(c) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to convene an open-ended intergovernmental expert group, involving the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to finalize the guide on strengthening judicial integrity and capacity, taking into account the comments received from Member States;

(d) Also request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, in particular through its Global Programme against Corruption, to develop and implement technical cooperation projects and activities aimed at supporting Member States, upon their request, in developing rules with respect to the professional and ethical conduct of the members of the judiciary, as well as in their implementation of the Bangalore Principles of Judicial Conduct;

(e) Further request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to explore the development of technical cooperation projects and activities aimed at strengthening the integrity and capacity of other criminal justice institutions, in particular prosecution services and the police, in cooperation with the initiatives of States and relevant international organizations;

(f) Request the Secretariat to submit the Bangalore Principles on Judicial Conduct and the commentary on the Bangalore Principles to the Conference of the States Parties to the United Nations Convention against Corruption at its second session.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2007/L.6/Rev.1, see chapter I, section B, draft resolution IV. For the discussion, see chapter IV, section A.

3. Should the Economic and Social Council, on the recommendation of the Commission, adopt the revised draft resolution, it is envisaged that additional extrabudgetary resources in the amount of $474,100 would be required to implement the requested activities and would provide for one expert group meeting in Vienna with 22 participants, including interpretation services in three languages (English, French and Spanish), as well as temporary assistance for preparation and follow-up activities. The resource requirements would also provide for consultancy, printing and dissemination of the guide.

4. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex VIII

Financial statement on the revised draft resolution entitled "Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 6, 8 and 9 of the revised draft resolution, the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council:

(a) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, and the members of the Inter-Agency Coordination Panel on Juvenile Justice to continue providing assistance to Member States, upon request, in the area of child justice;

(b) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide technical assistance to Member States, upon request, in order to strengthen national capacities and infrastructure in the area of child justice;

(c) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to provide technical assistance to Member States, upon request, in setting up national data collection and criminal justice information systems regarding children in conflict with the law, using the *Manual for the Measurement of Juvenile Justice Indicators*.

3. Should the Economic and Social Council, upon the recommendation of the Commission, adopt the revised draft resolution, implementation of the activities contained in operative paragraphs 6, 8 and 9 would entail the provision of technical assistance to be funded from extrabudgetary resources.

4. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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[*] For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2007/L.10/Rev.1, see chapter I, section B, draft resolution V. For the discussion, see chapter IV, section A.

[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex IX

Financial statement on the revised draft resolution entitled "International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 4-6 of the revised draft resolution, the Commission on Crime Prevention and Criminal Justice would recommend that the Economic and Social Council:

(a) Request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, in cooperation with relevant partners, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, development of an integrated plan for the provision of legal assistance including paralegals and similar alternative schemes to provide legal aid for persons in communities, including victims, defendants and suspects at all critical stages in criminal cases, and legislative reforms that guarantee legal representation in accordance with international standards and norms;

(b) Also request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources and in cooperation with the African Institute for the Prevention of Crime and the Treatment of Offenders, to assist African States, upon request, in their efforts at applying the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa;

(c) Further request the United Nations Office on Drugs and Crime, subject to extrabudgetary resources, to convene an open-ended intergovernmental meeting of experts with interpretation to study ways and means of strengthening access to legal aid in the criminal justice system, as well as the possibility of developing an instrument such as a declaration of basic principles or a set of guidelines for improving access to legal aid in criminal justice systems, taking into account the Lilongwe Declaration and other relevant materials.

3. With respect to the requests contained in paragraphs 4 and 5, the substantive services associated with carrying out those activities would be provided from available resources under subprogramme 3, Technical assistance and advice, of section 16, International drug control, crime prevention and criminal justice, and under subprogramme A.4, International drug control, crime prevention and criminal justice, of section 22, Regular programme of technical cooperation, of the programme budget for the biennium 2006-2007. However, as in the case of technical assistance projects designed in the area of criminal justice reform, extrabudgetary funding would be required to support such projects.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2007/L.16/Rev.1, see chapter I, section B, draft resolution VI. For the discussion, see chapter IV, section A.

4. As concerns the provisions contained in paragraph 6, the organizing of a meeting of experts would give rise to financial implications. Should the Economic and Social Council adopt the revised draft resolution upon the recommendation of the Commission, it is envisaged that extrabudgetary resources in the amount of $78,500 would be required to provide for one expert group meeting in Vienna, with 15 participants, without interpretation. Fifteen pages of documentation would also be provided.

5. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex X

Financial statement on the draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 1 and 2 of the draft resolution, the Commission on Crime Prevention and Criminal Justice would:

(a) Decide to hold a reconvened session immediately following the reconvened session of the Commission on Narcotic Drugs, in odd-numbered years, to consider the budget of the United Nations Crime Prevention and Criminal Justice Fund, including its administrative and programme support costs budget, commencing in 2007;

(b) Also decide on the following budget cycle for the United Nations Crime Prevention and Criminal Justice Fund, starting in 2007:

(i) The submission of the consolidated budget for the biennium 2008-2009 to the Commission on Crime Prevention and Criminal Justice at a reconvened biennial session, to be held in November 2007;

(ii) The submission of the consolidated budget for the biennium 2010-2011 to the Commission at a reconvened session, to be held in November or December 2009.

3. It should be recalled that by its resolution 61/252, section XI, of 22 December 2006, the General Assembly requested the Commission on Crime Prevention and Criminal Justice to report to it at its sixty-second session, through the Economic and Social Council, on the ways in which it planned to carry out the administrative and financial functions.

4. It should also be recalled that in the note by the Secretary-General concerning the draft resolution contained in document A/C.5/61/9[a] the Secretary-General informed the Fifth Committee that should the General Assembly adopt the draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body",[b] and provided that a reconvened session of the Commission on Crime Prevention and Criminal Justice was held back-to-back with the reconvened session of the Commission on Narcotic Drugs

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[*] For the text of the draft resolution, which originally appeared under the symbol E/CN.15/2007/L.11, see chapter I, section D, resolution 16/3. For the discussion, see chapter VI, section A.

[a] A/C.5/61/10.

[b] *Official Records of the Economic and Social Council, 2006, Supplement No. 10* and corrigendum (E/2006/30 and Corr.1), chap. I, sect. A, draft resolution I.

during the week of 26 to 30 November 2007, net additional resources totalling $95,800 would be required under section 2, General Assembly and Economic and Social Affairs and conference management ($45,800), and section 16, International drug control, crime prevention and criminal justice ($50,000), of the programme budget for the biennium 2006-2007.

5. In the note by the Secretary-General, the Fifth Committee was also informed that it was envisaged that the net additional requirements would be accommodated within the existing appropriation. Accordingly, no additional appropriation was sought over and above the level of funding approved in the programme budget for the biennium 2006-2007. Should the actual requirements for implementing the provisions of the draft resolution exceed the absorptive capacity of the aforementioned sections, the additional provisions would be reported in the context of the second performance report for the biennium 2006-2007.

6. Regarding the financial implications for the biennium 2008-2009 and subsequent bienniums, these would be considered in the context of the proposed programme budget of the respective bienniums.

Annex XI

Financial statement on the draft resolution entitled "Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice"*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

2. In operative paragraphs 4, 5, 10 and 11 of the draft resolution, the Commission on Crime Prevention and Criminal Justice would recommend, through the Economic and Social Council, that the General Assembly:

(a) Request the Secretary-General to facilitate the organization of regional preparatory meetings, including meetings of the least developed countries, for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice;

(b) Also request the Secretary-General to prepare, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, a discussion guide for the regional preparatory meetings for the Twelfth Congress, for consideration by the Commission on Crime Prevention and Criminal Justice, and invite Member States to be actively involved in that process;

(c) Reiterate its request to the Secretary-General to provide the United Nations Office on Drugs and Crime with the necessary resources, within the overall appropriations of the programme budget for the biennium 2008-2009, for the preparations for the Twelfth Congress and to ensure that adequate resources are provided in the programme budget for the biennium 2010-2011 to support the holding of the Twelfth Congress;

(d) Request the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Twelfth Congress and in the Congress itself, in accordance with past practice;

3. The resource requirements to provide for: (a) assistance with the preparation and servicing of the preparatory meetings of the Twelfth United Nations Congress on Crime Prevention and criminal Justice; (b) specialized expertise to prepare technical research papers on the four substantive agenda items of the Twelfth Congress; (c) participation of the least developed countries in the regional preparatory meetings for the Twelfth Congress; and (d) the travel of staff to provide substantive servicing for the four regional preparatory meetings of the Twelfth Congress have been included in the proposed programme budget for the biennium 2008-2009.

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* For the text of the draft resolution, which originally appeared under the symbol E/CN.15/2007/L.8, see chapter I, section A, draft resolution I. For the discussion, see chapter VII, section A.

4. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Commission was also drawn to paragraph 67 of the first report of the Advisory Committee on the proposed programme budget for the biennium 2000-2001,[a] in which the Committee noted that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities; therefore, efforts should be made to avoid the use of that phrase in resolutions and decisions.

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[a] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7* (A/54/7).

Annex XII

List of documents before the Commission at its sixteenth session

Document number	*Agenda item*	*Title or description*
E/CN.15/2007/1	2	Provisional agenda, annotations and proposed organization of work
E/CN.7/2007/2	4	Note by the Secretariat on world crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice
E/CN.15/2007/3	5	Report of the Secretary-General on the results of the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues
E/CN.15/2007/4	4	Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network
E/CN.7/2007/14- E/CN.15/2007/5	7	Note by the Secretariat on the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime
E/CN.15/2007/6	8	Report of the meeting of the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, held in Bangkok from 15 to 18 August 2006
E/CN.15/2007/7	4	Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption
E/CN.15/2007/8	4	Report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity
E/CN.15/2007/8/Add.1 and 2	4	Report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity: economic fraud
E/CN.15/2007/8/Add.3	4	Report of the Secretary-General on the results of the second meeting of the Intergovernmental Expert Group to Prepare a Study on Fraud and the Criminal Misuse and Falsification of Identity: identity-related crime
E/CN.15/2007/9	4	Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism

Document number	*Agenda item*	*Title or description*
E/CN.7/2007/15- E/CN.15/2007/10	7	Note by the Secretariat on the report of the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment
E/CN.15/2007/11	5	Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice
E/CN.15/2007/12	5	Report of the Secretary-General on strengthening basic principles of judicial conduct
E/CN.7/2007/13- E/CN.15/2007/13	7	Report of the Advisory Committee on Administrative and Budgetary Questions on the outline of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime
E/CN.7/2007/6- E/CN.15/2007/14	4 and 6	Report of the Executive Director on development, security and justice for all: opportunities and challenges
E/CN.7/2007/12- E/CN.15/2007/15	7	Report of the Executive Director on the outline of the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime
E/CN.15/2007/16	6	Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/2007/L.1 and Add.1-6	11	Draft report
E/CN.15/2007/L.2	7	Strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime: draft resolution
E/CN.15/2007/L.3/Rev.1	4	International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources: revised draft resolution
E/CN.15/2007/L.4	4	International cooperation in the prevention, investigation and prosecution of economic fraud and identity-related crime: draft resolution
E/CN.15/2007/L.5	5	Information-gathering instrument in relation to United Nations standards and norms related to victim issues: draft resolution
E/CN.15/2007/L.6/Rev.1	5	Strengthening basic principles of judicial conduct: revised draft resolution
E/CN.15/2007/L.7/Rev.2	3	Effective crime prevention and criminal justice responses to combat sexual exploitation of children: revised draft resolution
E/CN.15/2007/L.8	8	Follow-up to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice: draft resolution
E/CN.15/2007/L.9/Rev.1	4	Global initiative to fight human trafficking: revised draft decision

Document number	*Agenda item*	*Title or description*
E/CN.15/2007/L.10/Rev.1	5	Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination: revised draft resolution
E/CN.15/2007/L.11	7	Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body: draft resolution
E/CN.15/2007/L.12	7	Budget outline for the biennium 2008-2009 for the United Nations Crime Prevention and Criminal Justice Fund: draft resolution
E/CN.15/2007/L.13	4	Technical assistance for implementing the universal conventions and protocols related to terrorism: draft resolution
E/CN.15/2007/L.14	9	Topic for the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008: draft decision
E/CN.15/2007/L.15/Rev.1	4	Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors: revised draft resolution
E/CN.15/2007/L.16/Rev.1	5	International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa: revised draft resolution
E/CN.15/2007/L.17	9	Report of the Commission on Crime Prevention and Criminal Justice on its sixteenth session and provisional agenda and documentation for its seventeenth session: draft decision
E/CN.15/2007/L.18	6	Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute: draft decision
E/CN.15/2007/CRP.1	8	Reporting checklist developed by the Government of Thailand on the implementation of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice
E/CN.15/2007/CRP.2	4	United Nations Interregional Crime Research Institute: achievements in 2006 and key activities for 2007
E/CN.15/2007/CRP.3	3	Note by the Secretariat on crime prevention and criminal justice responses to urban crime, including gang-related activities, and effective crime prevention and criminal justice responses to combat sexual exploitation of children
E/CN.15/2007/CRP.4	4	Status of ratification of the United Nations crime conventions as at 29 March 2007
E/CN.15/2007/NGO/1	4 and 5	Statement submitted by the Asia Crime Prevention Foundation on the 11th Asia Crime Prevention Foundation World Conference
E/CN.15/2007/NGO/2	3	Statement submitted by the International Police Association on effective crime prevention and criminal justice responses to combat sexual exploitation of children

Document number	*Agenda item*	*Title or description*
A/61/583	7	Note by the Secretary-General transmitting the report of the High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment
CTOC/COP/2006/14	4	Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its third session, held in Vienna from 9 to 18 October 2006
CAC/COSP/2006/12	4	Report of the Conference of the States Parties to the United Nations Convention against Corruption on its first session, held in Amman from 10 to 14 December 2006